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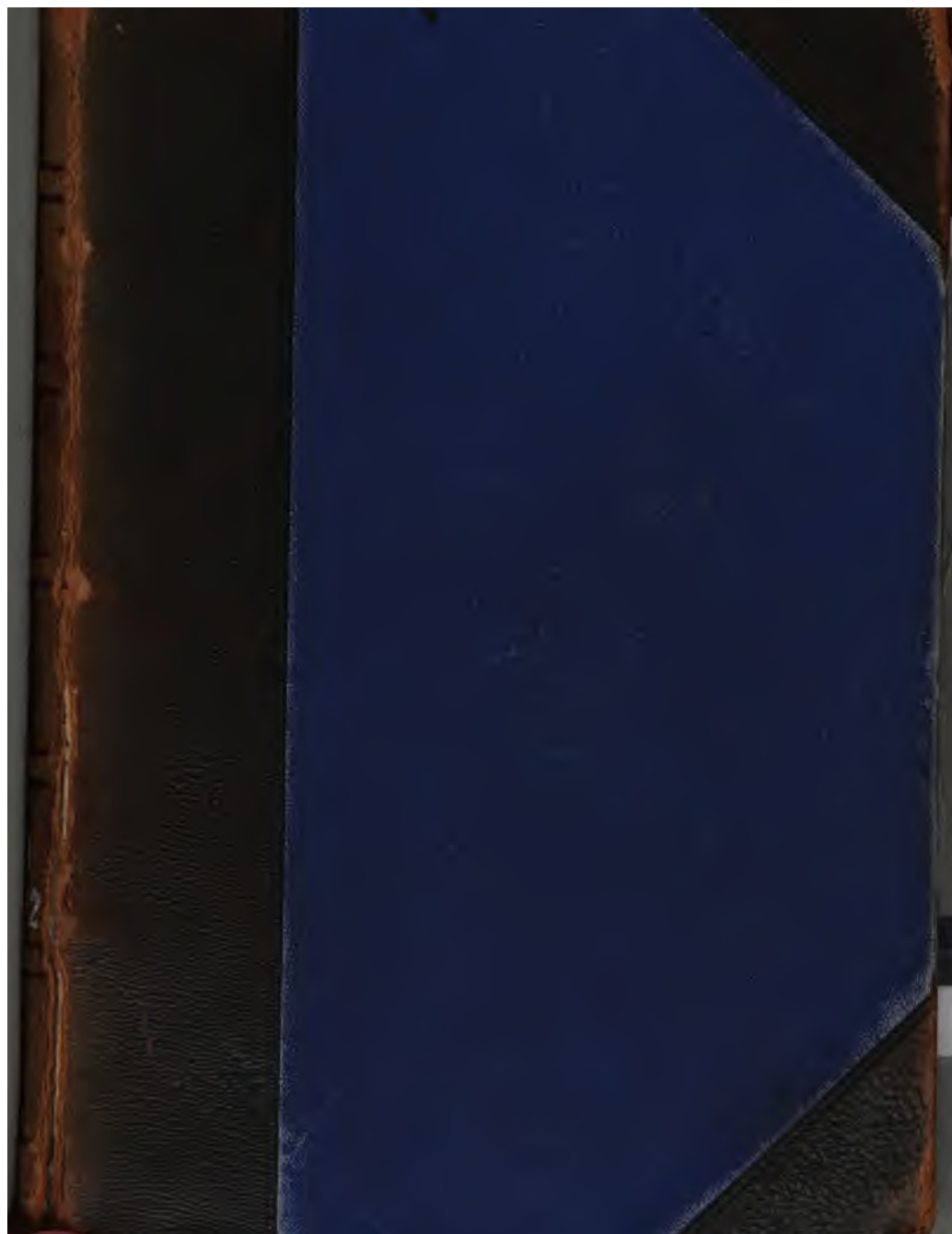
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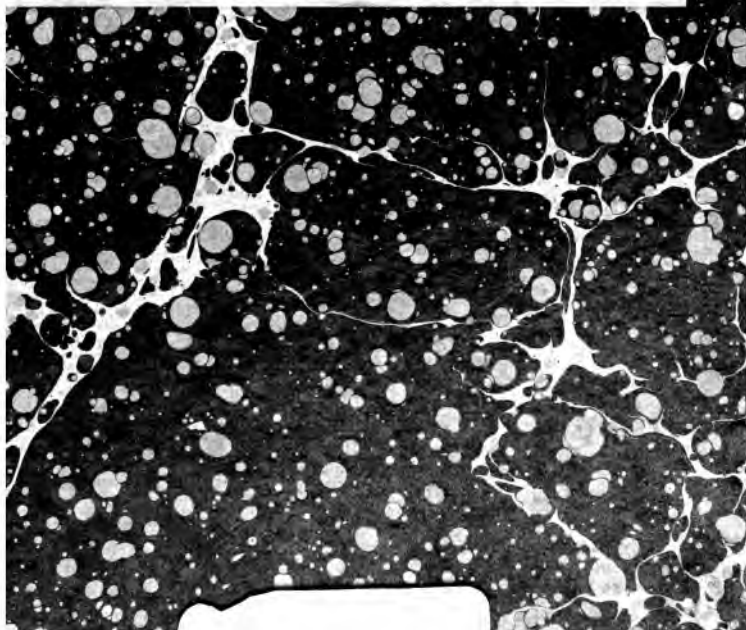
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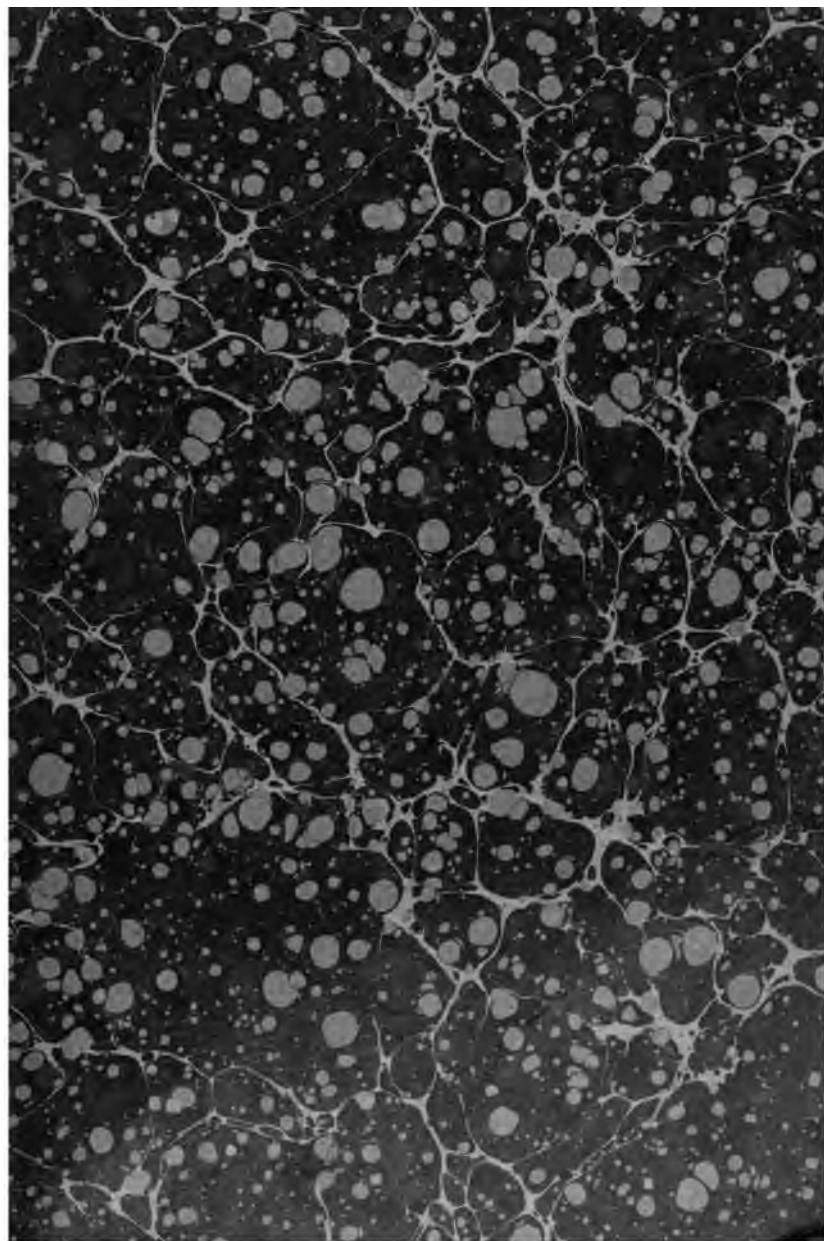
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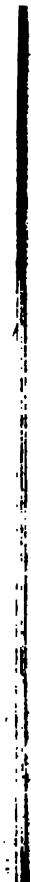
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## THE ARTICLES

OF

## CONFEDERATION OF THE UNITED COLONIES OF NEW ENGLAND.

1643-1684.

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The colonies of New Haven and Connecticut were hardly settled before a scheme was brought forward for a confederation between them and the older colonies on the Bay. As far back as 1637 the matter seems to have been agitated, and again in 1638, but it was not until 1643, when the Puritans had become very strong in England, and the colonists had been left in a great measure to their own resources, that the confederation was brought about. In 1643 committees from Massachusetts, New Plymouth, Connecticut, and New Haven met at Boston and drew up the following articles. These articles are here printed with the modern spelling, as the spelling in the original was so very bad that it seemed to the editors best in this case at least to put the words in modern dress. Otherwise the articles are printed word for word from the copy in the archives of Plymouth, which is printed in the *Plymouth Colony Records*, Volume IX., and which is also printed in Bradford's *New Plymouth Plantation*, page 416, and in other places. The copy in Winthrop's *New England*, Volume II., page

107, varies in many important respects from the copy preserved in the archives of Plymouth, which agrees substantially with that preserved in the Connecticut archives, and therefore we have used the Plymouth copy as the best text. As showing the reason for the drawing up of the articles, extracts from Bradford's *New Plymouth Plantation* and Winthrop's *New England* are printed before the articles. Following the articles are two votes of interest in connection with the articles.

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#### BRADFORD'S STATEMENT.\*

By reason of the plottings of the Narigansets, (ever since the Pequents war,) the Indians were drawn into a general conspiracy against the English in all parts, as was in part discovered the year before; and now made more plain and evident by many discoveries and free-confessions of sundry Indians (upon several occasions) from divers places, concurring in one; with such other concurring circumstances as gave them sufficiently to understand the truth thereof, and to think of means how to prevent the same, and secure themselves. Which made them enter into this more near union and confederation following.

#### WINTHROP'S STATEMENT.†

At this Court came the Commissioners from Plymouth, Connecticut, and New Haven, viz. from Plymouth Mr. Edward Winslow and Mr. Collier, from Connecticut Mr. Haynes and Mr. Hopkins, and whom Mr. Fenwick of Saybrook joined, from New Haven Mr. Theophilus Eaton and Mr. Grigson. Our Court chose a committee to treat with them, viz. the governor and Mr. Dudley and Mr. Bradstreet, being of the magistrates; and of the deputies, Captain Gibbons, Mr. Tyng the treasurer, and Mr. Hathorn. These coming to consultation encountered some difficulties, but being all desirous of union and studious of peace, they readily yielded each to other in such things as tended to common utility, &c., so as in some two or three meetings they lovingly accorded upon these ensuing articles, which, being allowed by our Court, and signed by all the Commissioners, were sent to be also ratified by the General Courts of other Jurisdictions; only Plymouth Com-

\* Bradford's *New Plymouth Plantation*, II, 416 (1643).

† Winthrop's *New England*, II., 99 (March 3, 1643).

missioners, having power only to treat, but not to determine, deferred the signing of them till they came home, but soon after they were ratified by their General Court also.

Those of Sir Ferdinando Gorge his province, beyond Pascataquack, were not received nor called into the Confederation, because they ran a different course from us both in their ministry and civil administration; for they had lately made Acomenticus (a poor village) a corporation, and had made a tailor their mayor, and had entertained one Hull, an excommunicated person and very contentious, for their minister.

At this court of elections there arose a scruple about the oath which the governor and the rest of the magistrates were to take, viz. about the first part of it: "You shall bear true faith and allegiance to our sovereign Lord King Charles," seeing he had violated the privileges of parliament, and made war upon them, and thereby had lost much of his kingdom and many of his subjects; whereupon it was thought fit to omit that part of it for the present.

#### THE ARTICLES.

*The Articles of Confederation between the Plantations under the Government of the Massachusetts, the Plantations under the Government of New Plymouth, the Plantations under the Government of Connecticut, and the Government of New Haven with the Plantations in Combination therewith :*

Whereas we all came into these parts of America with one and the same end and aim, namely, to advance the Kingdom of our Lord Jesus Christ and to enjoy the liberties of the Gospel in purity with peace; and whereas in our settling (by a wise providence of God) we are further dispersed upon the sea coasts and rivers than was at first intended, so that we can not according to our desire with convenience communicate in one government and jurisdiction; and whereas we live encompassed with people of several nations and strange languages which hereafter may prove injurious to us or our posterity. And forasmuch as the natives have formerly committed sundry insolences and outrages upon several Plantations of the English and have of late combined themselves against us: and seeing by reason of those sad distractions in England



2) Ordinances of secession and other documents, 1860-1861.

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tation to another without due certificate, how all the Jurisdictions may carry it towards the Indians, that they neither grow insolent nor be injured without due satisfaction, lest war break in upon the Confederates through such miscarriages. It is also agreed that if any servant run away from his master into any other of these confederated Jurisdictions, that in such case, upon the certificate of one magistrate in the Jurisdiction out of which the said servant fled, or upon other due proof; the said servant shall be delivered, either to his master, or any other that pursues and brings such certificate or proof. And that upon the escape of any prisoner whatsoever, or fugitive for any criminal cause, whether breaking prison, or getting from the officer, or otherwise escaping, upon the certificate of two magistrates of the Jurisdiction out of which the escape is made, that he was a prisoner, or such an offender at the time of the escape, the magistrates, or some of them of that Jurisdiction where for the present the said prisoner or fugitive abideth, shall forthwith grant such a warrant as the case will bear, for the apprehending of any such person, and the delivery of him into the hands of the officer or other person who pursues him. And if there be help required, for the safe returning of any such offender, then it shall be granted to him that craves the same, he paying the charges thereof.

9. And for that the justest wars may be of dangerous consequence, especially to the smaller Plantations in these United Colonies, it is agreed that neither the Massachusetts, Plymouth, Connecticut, nor New Haven, nor any of the members of them, shall at any time hereafter begin, undertake, or engage themselves, or this Confederation, or any part thereof in any war whatsoever (sudden exigencies, with the necessary consequents thereof excepted), which are also to be moderated as much as the case will permit, without the consent and agreement of the forementioned eight Commissioners, or at least six of them, as in the sixth article is provided: and that no charge be required of any of the Confederates, in case of a defensive war, till the said Commissioners have met, and approved the justice of the war, and have agreed upon the sum of money to be levied, which sum is then to be paid by the several Confederates in proportion according to the fourth article.

10. That in extraordinary occasions, when meetings are summoned by three magistrates of any Jurisdiction, or two as in the fifth article, if any of the Commissioners come not, due warning being given or sent, it is agreed that four of the Commissioners shall have power to direct a war which cannot be delayed, and to send for due proportions of men out of each Jurisdiction, as well as six might do if all met; but not less than six shall determine the justice of the war, or allow the demands or bills of charges, or cause any levies to be made for the same.

11. It is further agreed that if any of the Confederates shall hereafter break any of these present articles, or be any other ways injurious to any one of the other Jurisdictions; such breach of agreement or injury shall be duly considered and ordered by the Commissioners for the other Jurisdictions, that both peace and this present Confederation may be entirely preserved without violation.

12. Lastly, this perpetual Confederation, and the several articles and agreements thereof being read and seriously considered, both by the General Court for the Massachusetts, and by the Commissioners for Plymouth, Connecticut, and New Haven, were fully allowed and confirmed by three of the forenamed Confederates, namely, the Massachusetts, Connecticut, and New Haven; only the Commissioners for Plymouth having no commission to conclude, desired respite until they might advise with their General Court; whereupon it was agreed and concluded by the said Court of the Massachusetts, and the Commissioners for the other two Confederates, that, if Plymouth consent, then the whole treaty as it stands in these present articles is, and shall continue, firm and stable without alteration: but if Plymouth come not in yet the other three Confederates do by these presents confirm the whole Confederation, and all the articles thereof; only in September next when the second meeting of the Commissioners is to be at Boston, new consideration may be taken of the sixth article, which concerns number of Commissioners for meeting and concluding the affairs of this Confederation to the satisfaction of the Court of the Massachusetts, and the Commissioners for the other two Confederates, but the rest to stand unquestioned.

In testimony whereof, the General Court of the Massachu-

setts by their Secretary, and the Commissioners for Connecticut and New Haven, have subscribed these present articles of this nineteenth of the third month, commonly called May, Anno Domini 1643.

At a meeting of the Commissioners for the Confederation held at Boston the 7th of September, it appearing that the General Court of New Plymouth and the several townships thereof have read, considered, and approved these Articles of Confederation, as appeareth by commission of their General Court bearing date the 29th of August, 1643, to Mr. Edward Winslow and Mr. William Collier to ratify and confirm the same on their behalf: we therefore, the Commissioners for the Massachusetts, Connecticut, and New Haven, do also from our several Governments subscribe unto them.

VOTE OF MASSACHUSETTS REFUSING TO OBEY THE  
COMMANDS OF THE COMMISSIONERS.\*

In answer to a letter of the honored Commissioners for raising forces to make a present war against Ninnegrett; The Council of the Massachusetts assembled at Boston the 24th of September, 1653, taking into their consideration the votes of the Commissioners for raising two hundred and fifty men to make war upon Ninnegrett; And, having perused the grounds and reasons moving thereunto, presented to us in their papers, do not see sufficient ground, either from any obligation of the English towards the Long Islanders, or from the usage the Messengers received from the Indians, or from any other motive presented unto our consideration, or from all of them; and therefore dare not to exercise our authority to levy force within our Jurisdiction to undertake a present war against the said Ninnegrett;

By order of the Counsel.

EDWARD RAWSON, Secretary.

\* *Plymouth Colony Records*, X., 161. September, 1653.

VOTE OF THE COMMISSIONERS AS TO THE TREATMENT OF  
QUAKERS.\*

The generals we thought good to propose from whence we leave it to the wisdom of the several General Courts to draw up such conclusions and orders as may attain the end desired; and if any of the members of the said courts should not concur (at present) with our apprehensions we do earnestly desire that by all means they may labor to inform and satisfy themselves of the truth of the particulars abovesaid whereof we for our parts have no doubt. We do further propose to the several General Courts that all Quakers, ranters, and other notorious heretics be prohibited coming into the United Colonies and if any shall hereafter come or arise amongst us that they be forthwith secured or removed out of all the Jurisdictions.

\* *Plymouth Colony Records*, X., 158. September, 1656.

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person is responsible: the most active men were James Madison, Edmund Randolph, James Wilson, Benjamin Franklin and Alexander Hamilton. After agreeing on the general principles of the Constitution, a Committee of Detail was appointed, July 24, 1787, of which Rutledge, of South Carolina, was chairman. The report of this committee contains in general outline the Constitution as we have it; but on September 8, a Committee of Style was appointed, which included Alexander Hamilton, Gouverneur Morris and James Madison. To Gouverneur Morris is due the precise language of the instrument, and to his clear and terse expression we owe the lucidity and accuracy of phrase which characterize the United States Constitution. The original engrossed copy, with the signatures of a part of the members of the Convention, is preserved in the office of the Secretary of State in Washington. The originals of the fifteen Constitutional amendments are in the rolls of the Statutes, deposited in the State Department. The text below, both of the Constitution and the Amendments, is the result of careful comparison by one of the editors with the original manuscripts, February 10, 11, 1893; and it is intended to be absolutely exact in word, spelling, capitalization and punctuation. A few headings and paragraph numbers, inserted by the editor for convenience of reference, are indicated by brackets: [ ]

Those parts of the Constitution which were temporary in their nature, or which have been superseded or altered by later amendments, are included within the heavy brackets: [ ]

The legal authority from which the Constitution springs is not the resolutions of Congress, nor the roll of the document itself with its signatures, but the subsequent ratification of the Constitution by the thirteen original States of the Union, from 1787 to 1790; and the ratification of the fifteen Constitutional amendments by three-fourths or more of the legislatures of the States in the Union at the times when the several amendments were pending.

Among other so-called verbatim texts are those in the *Revised Statutes of the United States*; *Manual of the Senate*; *Manual of the House of Representatives*; Robert Desty, *The Constitution of the United States, with Notes* (San Francisco, 1887); William Hickey, *Constitution of the United States*, (Philadelphia, 1847), erroneously certified to as verbatim by James Buchanan, Secretary of State. In Albert Bushnell Hart's *Introduction to the Study of Federal Government*, (Boston, 1891), the *Revised Statutes* text of the Constitution is shown in analytic form, and parallel with other Federal constitutions. All the above texts are more or less inaccurate, and ordinary texts frequently deviate widely from the originals.

The State Department, in 1891, issued an edition, *The Constitution of the United States with the Amendments*, which has but two or three small errors; another State Department edition is printed in the *Documentary History of the Constitution*, Part III, pp. 3-21. Prof. Francis N. Thorpe has published a convenient vest-pocket edition (Philadelphia, Eldridge & Brother, 1895), which he has compared with the original, and which is nearly correct. In Carson's *History of the Celebration of the One Hundredth Anniversary of the Promulgation of the Constitution of the United States* (Philadelphia, Lippincott, 1889), is a fac-simile of the text of the Constitution.

The best contemporary account of the Convention is its own journal, published in *Elliot's Debates*, vol. I. and the notes of debates taken by Madison and printed in Gilpin's *Madison Papers* and in *Elliot's Debates*, vol. V. Other proceedings and memoranda may be found in Elliot, and there are brief references in the works of Washington, Franklin, Hamilton, Madison and Jefferson. P. L. Ford has reprinted contemporary criticisms in his *Essays on the Constitution* and *Pamphlets on the Constitution*. Elliot contains the debates in most of the States.

Of the numerous secondary accounts of the Convention may be mentioned: G. T. Curtis' *History of the Constitution*, II., 232-604 (reprinted in vol. I. of his *Constitutional History*, chs. xv.-xxxvi.); George Bancroft, *History of the Constitution*, II., (reprinted in vol. VI. of his *History of the United States, Author's Last Revision*); John Fiske, *Critical Period of American History*, 183-350; J. H. Robinson, *Sources of the Constitution*; J. B. McMaster, *History of the People of the United States*, I., 416-524; R. Hildreth, *History of the United States*, III., 482-546.

#### FEB. 21, 1787.—CALL BY CONGRESS.

Whereas there is provision in the Articles of Confederation & perpetual Union for making alteration therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for

the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these States a firm national government

Resolved That in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union —*Manuscript Journal of Congress, Vol. 38.*

## [CONSTITUTION

OF THE

UNITED STATES OF AMERICA.]\*

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

## ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. [§ 1.] The House of Representatives shall be composed of Members chosen every second Year by the

\* There is no title in the original manuscript.

People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.\*

[§ 2.] No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[§ 3.] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, [which shall be determined by adding to the whole Number of free Persons,] including those bound to Service for a Term of Years, and excluding Indians not taxed, [three fifths of all other Persons]†. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; [and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.]‡

[§ 4.] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[§ 5.] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. [§ 1.] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

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\* Modified by Fourteenth Amendment.

† Superseded by Fourteenth Amendment.

‡ Temporary clause.

[§ 2.] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[§ 3.] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[§ 4.] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[§ 5.] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[§ 6.] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[§ 7.] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. [§ 1.] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[§ 2.] The Congress shall assemble at least once in every

Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [§ 1.] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[§ 2.] Each House may determine the Rules of its Proceedings, punish its Members for Disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[§ 3.] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[§ 4.] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [§ 1.] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

[§ 2.] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [§ 1.] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[§ 2.] Every Bill which shall have passed the House of

Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

\* [§ 3.] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power [§ 1.] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[§ 2.] To borrow Money on the credit of the United States;

[§ 3.] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; ✓

[§ 4.] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[§ 5.] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[§ 6.] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

[§ 7.] To establish Post Offices and post Roads ; ✓

[§ 8.] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

[§ 9.] To constitute Tribunals inferior to the supreme Court ;

[§ 10.] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

[§ 11.] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

[§ 12.] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

[§ 13.] To provide and maintain a Navy ;

[§ 14.] To make Rules for the Government and Regulation of the land and naval Forces ;

[§ 15.] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

[§ 16.] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress ;

✓ [§ 17.] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings ;—And

✓ [§ 18.] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the



Government of the United States, or in any Department or Officer thereof.

SECTION. 9. [§ 1.] [The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.]\*

[§ 2.] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[§ 3.] No Bill of Attainder or ex post facto Law shall be passed.†

[§ 4.] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[§ 5.] No Tax or Duty shall be laid on Articles exported from any State.

[§ 6.] No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[§ 7.] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[§ 8.] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.‡

SECTION. 10. [§ 1.] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or

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\* Temporary provision.

† Extended by the first eight Amendments.

‡ Extended by Ninth and Tenth Amendments.

Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[§ 2.] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

[§ 3.] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.\*

## ARTICLE. II.

SECTION. I. [§ 1.] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

[§ 2.] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the

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\* Extended by Thirteenth, Fourteenth and Fifteenth Amendments.

Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]\*

[§ 3.] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[§ 4.] No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[§ 5.] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[§ 6.] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased

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\* Superseded by Twelfth Amendment.

nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[§ 7.] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. [§ 1.] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

✕ [§ 2.] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[§ 3.] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and

other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

### ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such Inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2. [§ 1.] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State; \*—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[§ 2.] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[§ 3.] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held

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\* Limited by Eleventh Amendment.

in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. [§ 1.] Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[§ 2.] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

#### ARTICLE IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. [§ 1.] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.\*

[§ 2.] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[§ 3.] [No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]†

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\* Extended by Fourteenth Amendment.

† Superseded by Thirteenth Amendment.

SECTION. 3. [§ 1.] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[§ 2.] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided [that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and]\* that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## ARTICLE. VI.

[§ 1.] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as

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\* Temporary provision.

valid against the United States under this Constitution, as under the Confederation.\*

[§ 2.] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[§ 3.] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

[Note of the draughtsman  
as to interlineations in the  
text of the manuscript.]

Attest

WILLIAM JACKSON  
*Secretary.*

DONE in Convention by the Unanimous Consent  
of the States present the Seventeenth Day of Sep-  
tember in the Year of our Lord one thousand  
seven hundred and Eighty seven and of the Inde-  
pendance of the United States of America the  
Twelfth **In Witness** whereof We have hereunto  
subscribed our names.\*

G<sup>o</sup> WASHINGTON—  
*Presidt and deputy from Virginia*

*Delaware.*

{ GEO: READ  
GUNNING BEDFORD jun  
JOHN DICKINSON  
RICHARD BASSETT  
JACO: BROOM

*New Hampshire.*

{ JOHN LANGDON }  
{ NICHOLAS GILMAN }

*Massachusetts.*

{ NATHANIEL GORHAM  
RUFUS KING

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\* Extended by Fourteenth Amendment, Section 4.

† These signatures have no other legal force than that of attestation.



*Maryland.*

{ JAMES MCHENRY  
 { DAN OF ST. THOS. JENIFER  
 { DANL CARROLL

*Connecticut.*

{ WM. SAML. JOHNSON  
 { ROGER SHERMAN

*Virginia.*

{ JOHN BLAIR—  
 { JAMES MADISON JR.

*New York.*

ALEXANDER HAMILTON

*North Carolina.*

{ WM. BLOUNT  
 { RICHD. DOBBS SPAIGHT  
 { HU WILLIAMSON

*New Jersey.*

{ WIL : LIVINGSTON  
 { DAVID BREARLEY  
 { WM : PATERSON.  
 { JONA : DAYTON

*South Carolina.*

{ J. RUTLEDGE,  
 { CHARLES COTESWORTH  
 { PINCKNEY  
 { CHARLES PINCKNEY  
 { PIERCE BUTLER.

*Pennsylvania.*

{ B FRANKLIN  
 { THOMAS MIFFLIN  
 { ROBT. MORRIS  
 { GEO. CLYMER  
 { THOS. FITZ SIMONS  
 { JARED INGERSOLL  
 { JAMES WILSON.  
 { GOUV MORRIS

*Georgia.*

{ WILLIAM FEW  
 { ABR BALDWIN

ARTICLES in addition to and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.\*

## [ARTICLE I.]†

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

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\* This heading appears only in the joint resolution submitting the first ten amendments.

† In the original manuscripts the first twelve amendments have no numbers.

## [ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## [ARTICLE III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## [ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## [ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## [ARTICLE VI.]

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

## [ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## [ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## [ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## [ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. \*

## [ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State. †

## [ARTICLE XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of

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\* Amendments First to Tenth appear to have been in force from Nov. 3, 1791.

† Proclaimed to be in force Jan 8, 1798.

all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate ;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.\*

### ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. SECTION 2.

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\* Proclaimed to be in force Sept. 25, 1804:

Congress shall have power to enforce this article by appropriate legislation.\*

#### ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

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\* Proclaimed to be in force Dec. 18, 1865. Bears the unnecessary approval of the President.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.\*

#### ARTICLE XV.†

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.—

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.—‡

*The above text is from the Original Manuscript Rolls.*

#### SEPT. 13, 1787.—RESOLUTIONS OF THE CONVENTION.

Resolved that the preceeding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention that it should afterward be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the recommendation of its Legislature; for their assent and ratification. and that each Convention assenting to, and ratifying, the same should give notice thereof to the United States in Congress assembled.

Resolved that it is the opinion of this Convention that as soon as the Conventions of nine States, shall have ratified the Constitution, the United States in Congress assembled should

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\* Proclaimed to be in force July 28, 1868.

† Amendments Thirteenth, Fourteenth and Fifteenth are numbered in the original manuscripts.

‡ Proclaimed to be in force Mar. 30, 1870.

fix a day, on which Electors should be appointed by the States which shall have ratified the same: and a day on which the Electors should assemble to vote for the President: and the Time and Place for commencing proceedings under this constitution. That after such publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their votes certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and representatives should convene at the Time and place assigned, that the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President; and that after he shall be chosen, the Congress together with the President should without delay proceed to execute this Constitution. —*Manuscript Journal of the Federal Convention, p. 151.*

SEPT. 17, 1787.—LETTER OF THE CONVENTION  
TO CONGRESS.

Sir,

We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most adviseable.

The friends of our country have long seen and desired, that the power of making war. peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union: But the impropriety of delegating such extensive trust to one body of men is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all: Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw

with precision the line between those rights which must be surrendered, and those which may be reserved ; and on the present occasion this difficulty was encreased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected ; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state is not perhaps to be expected ; but each will doubtless consider, that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others ; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe ; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish

With great respect, We have the honor to be, Sir,  
Your Excellency's

most obedient and humble servants,  
GEORGE WASHINGTON, *President.*

*By unanimous Order of the Convention.*

*His Excellency the* PRESIDENT OF CONGRESS.

—*Documentary History of the Constitution of the United States of America*, Part III., pp. 1, 2.

[The original manuscript is lost].

SEPT. 28, 1787.—TRANSMISSION BY CONGRESS.

Congress having received the report of the Convention lately assembled in Philadelphia

Resolved Unanimously that the said Report with the reso-



lutions and letter accompanying the same be transmitted to the several legislatures in Order to be submitted to a convention of Delegates chosen in each state by the people thereof in conformity to the resolves of the Convention made and provided in that case. —*Manuscript Journal of Congress.*

SEPT. 13, 1788.—CONGRESS ANNOUNCES RATIFICATION.

Whereas the Convention assembled in Philadelphia pursuant to the resolutions of Congress of the 21<sup>st</sup> of Feb<sup>y</sup> 1787 did on the 17.<sup>th</sup> of Sept. of the same year report to the United States in Congress assembled a constitution for the people of the United States, whereupon Congress on the 28 of the same Sept did resolve unanimously “That the said report with the resolutions & letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of Delegates chosen in each state by the people thereof in conformity to the resolves of the Convention made and provided in that case” And whereas the constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the office of the Secretary therefore Resolved that the first Wednesday in Jan<sup>y</sup> next be the day for appointing Electors in the several States, which before the said day shall have ratified the said constitution; that the first Wednesday in febr<sup>y</sup> next be the day for the electors to assemble in their respective states and vote for a president: and that the first Wednesday in March next be the time and the present seat of Congress the place for commencing proceedings under the said constitution——  
—*Manuscript Journal of Congress.*

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# American History Leaflets

COLONIAL AND CONSTITUTIONAL.

EDITED BY

ALBERT BUSHNELL HART AND EDWARD CHANNING,  
OF HARVARD UNIVERSITY.

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NO 9.

MAY, 1893.

DOCUMENTS DESCRIBING THE  
VOYAGE OF  
JOHN CABOT IN 1497.

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NEW YORK  
A. LOVELL & COMPANY

1893.

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*Published Bi-Monthly. Annual Subscription, 30 cents.*

Entered at the New York Postoffice as second-class matter.

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PRICE, 5 CENTS.

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## DOCUMENTS

DESCRIBING

### THE VOYAGE OF JOHN CABOT IN 1497.

The first European to see the Continent of North America after the period of the Northmen was John Cabot, a native of Genoa, who had been naturalized at Venice and had resided there for some years. John Cabot sailed from Bristol, England, and prosecuted his voyage under a license from Henry VII., King of England. The voyage was made in 1497. Cabot's landfall has been much disputed. Dr. Charles Deane regarded the Island of Cape Breton as the first land seen, because the words *prima terra vista* were placed against it by the maker of the "Cabot Map" of 1544; but Mr. Henry Harrisse, the last writer on the subject, thinks the landfall was very much further north in the vicinity of Hudson's Bay.

John Cabot's son, Sebastian, became in later life a man of considerable mark and authority. With his name, therefore, was associated whatever glory and honor gathered to the name of Cabot. It is only within recent years that documents have been discovered showing conclusively that it was the father and not the son who was in command of this memorable expedition. These documents are herewith printed. Especially noteworthy is the letter of Raimondo, or Raimundus, to the Duke of Milan dated London, December 18th, 1497, which was first printed in English by Dr. Deane in his chapter in the "Narrative and Critical History of America," Vol. III., p. 54; and is here printed through the courtesy of

the publishers, Houghton, Mifflin & Co., and of the editor, Mr. Justin Winsor. This letter and the previous one from the same writer of August 24th, 1497, the letter of Lorenzo Pasqualigo dated London, August 23d, 1497, are all contemporary documents written in England within a short time of John Cabot's return from his voyage. They leave no doubt whatever as to the discovery itself or as to the commander. It is upon this discovery of John Cabot's that the claim of England to North America was based. There are also printed with these contemporary documents the earliest accounts of this voyage which will show how the error as to John and Sebastian Cabot arose. For further references see "Narrative and Critical History of America," Vol. III., chap. 1.

I. 1496, March 5, LETTERS PATENT OF KING HENRY VII.

*Pro Johanne Caboto & Filiis suis super Terra Incognita Investiganda.*

Rex omnibus, ad quos &c. Salutem.

NOTUM SIT ET MANIFESTUM quòd Dedimus & Concessimus, ac per Præsentes Damus & Concedimus, pro Nobis & Hæredibus nostris, Dilectis Nobis *Johanni Cabotto* Civi Venetiarum, ac *Lodovico, Sebastiano, & Sancto*, Filiis dicti *Johannis*, & eorum ac cujuslibet eorum Hæredibus & Deputatis, plenam ac liberam Auctoritatem, Facultatem & Protestatem Navigandi ad omnes Partes, Regiones, & Sinus Maris Orientalis Occidentalis, & Septentrionalis, sub Banneris Vexillis & Insigniis nostris, cum Quinque Navibus sive Navigiis, cujuscumque Portituræ & Qualitatis existant, & cum tot & tantis Nautis & Hominibus, quot & quantis in dictis Navibus secum ducere voluerint, suis & eorum propriis Sumptibus & Expensis.

*Ad inveniendum, Discooperiendum & Investigandum quas-cumque Insulas, Patrias, Regiones sive Provincias Gentilium & Infidelium, in quacumque Parte Mundi prositas, quæ Christianis omnibus ante hæc tempora fuerunt incognitæ.*

Concessimus etiam eisdem & eorum cuilibet, eorumque & cujuslibet eorum Hæredibus & Deputatis, ac Licentiam dedimus Affigendi prædictas Banneras nostras & Insignia in quacumque Villa, Oppido, Castro, Insula seu Terra firma a se noviter inventis.

Et quòd prænominati *Johannes* & Filii ejusdem, seu Hæredes & eorum Deputati quibuscumque hujusmodi Villas, Castra, Oppida & Insulas a se inventas, quæ Subjugari, Occupari & Possideri possint, Subjugare, Occupare & Possidere valeant,

tanquam Vasalli nostri & Gubernatores, Locatenentes & Deputati eorumdem, Dominium Titulum & Jurisdictionem eorumdem Vallarum, Castrorum, Oppidorum, Insularum, ac Terræ firmæ sic inventarum, Nobis acquirendo ;

Ita tamen ut ex omnibus Fructibus, Proficuis, Emolumentis Commodis, Lucris & Obventionibus, ex hujusmodi Navigatione provenientius, præfati *Johannes* & Filii, ac Hæredes & eorum Deputati teneantur & sint obligati Nobis, pro omni Viagiæ suo, totiens quotiens ad Portum nostrum Bristollæ applicuerint, ad quem, omninò applicare teneantur & sint stricti, deductis omnibus Sumptibus & Impensis necessariis per eosdem factis, *Quintam Partem totius Capitalis Lucri sui facti* sive in Mercibus sive in Pecuniis persolvere ;

Dantes Nos & Concendentes eisdem suisque Hæredibus & Deputatis ut ab omni Solutione Customarum omnium & singulorum Bonorum ac Mercium, quas secum reportarint ab illis Locis sic noviter inventis, Liberi sint & Immunes.

Et insuper Deditimus & Concessimus Eisdem ac suis Hæredibus & Deputatis, quòd Terræ omnes Firmæ, Insulæ, Villæ, Oppida, Castra, & Loca quæcumque, a se inventa, quotquot ab eis inveniri contigerit non possint ab aliis quibusvis nostris Subditis frequentari seu visitari, absque Licentia *predictorum Johannis* & ejus Filiorum, suorumque Deputatorum, sub Poena Amissionis tam Navium sive Navigiorum quàm Bonorum omnium quorumcumque ad ea Loca sic inventa Navigare præsumantium ;

Volentes & strictissimè Mandantes omnibus & singulis nostris Subditis, tam in Terra quàm in Mare constitutis, ut *præfacto Johanni* & ejus Filiis ac Deputatis bonam Assistantiam faciant, & tam in Armandis Navibus seu Navigiis quàm in Provisione Commearum & Victualium pro sua Pecunia emendorum, atque aliarum Rerum sibi providendarum, pro dictâ Navigatione sumendarum, suos omnes Favores & Auxilia impartiantur.

In cujus &c.

Teste Rege apud Westmonasterium, quinto  
die Martii.

*Per ipsum Regem.*

Rymer's *Fœdera*, Vol. XII., pp. 595, 596.

## II. 1496, March 5, TRANSLATION OF THE ABOVE.

The Letters patents of King Henry the seuenth granted vnto Iohn Cabot and his three sonnes, Lewis, Sebastian, and Sancius for the discouerie of new and vnknowne lands.

Henry by the grace of God, King of England and France, and lord of Ireland, to all to whom these presents shall come, Greeting.

Be it knowne that we haue giuen and granted, and by these presents do giue and grant for vs and our hēres, to our wel-beloued Iohn Cabot citizen of Venice, to Lewis, Sebastian, and Santius, sonnes of the said Iohn, and to the heires of them, and euery of them, and their deputies, full and free authority, leaue, and power to saile to all parts, countries, and seas of the East, of the West, and of the North, under our banners and ensignes, with fīue ships of what burthen or quantity soeuer they be, and as many marines or men as they will haue with them in the sayd ships, vpon their owne proper costs and charges, to seeke out, discouer, and finde whatsoever isles, countries, regions or prouinces of the heathen and infidels whatsoever they be, and in what part of the world soeuer they be, which before this time haue bene vnknownen to all Christians: we haue granted to them, and also to euery of them, the heires of them, and their deputies, and haue giuen them licence to set vp our banners and ensignes in euery village, towne, castle, isle, or maine land of them newly found. And that the aforesaid Iohn and his sonnes, or their heires and assignes may subdue, occupy and possesse all such townes, cities, castles and isles of them found, which they can subdue, occupy and possesse, as our vassals, and lieutenants, getting vnto vs the rule, title, and iurisdiction of the same villages, townes, castles, and firme land so found.

Yet so that the aforesaid Iohn, and his sonnes and heires, and their deputies, be holden and bounden of all the fruits, profits, gaines, and commodities growing of such nauigation, for euery their voyage, as often as they shall arriue at our port of Bristoll (at the which port they shall be bound and holden only to arriue) all maner of, necessary costs and charges by them made, being deducted, to pay vnto vs in wares or money the fift part of the capitall gaine so gotten. We giuing and granting vnto them and to their heires and deputies, that they

shall be free from all paying of customes of all and singular such merchandize as they shall bring with them from those places so newlie found.

And moreouer, we haue giuen and granted to them, their heires and deputies, that all the firme lands, isles, villages, townes, castles and places whatsoever they be that they shall chance to finde, may not of any other of our subiects be frequented or visited without the licence of the foresayd Iohn and his sonnes, and their deputies, vnder payne of forfeiture as well of their ships as of all and singular goods of all them that shall presume to saile to those places so found. Willing, and most straightly commanding all and singular our subjects as well on land as on sea, appointed officers, to giue good assistance to the aforesaid Iohn, and his sonnes and deputies, and that as well in arming and furnishing their ships or vessels, as in prouision of quietnesse, and in buying of victuals for their money, and all other things by them to be provided necessary for the sayd nauigation, they do giue them all their helpe and fauour. In witnesse whereof we haue caused to be made these our lettres patents. Witnesse our selfe at Westminster, the fift day of March, in the eleuenth yeere of our reigne.—Hakluyt, *Principall Navigations*, ed. 1589, p. 510.

This patent was granted in reply to the following application by John Cabot:

“To the Kyng our Souvereigne lord,

“Please it your highnes of your moste noble and haboundant grace to graunt vnto Iohn Cabotto, citezen of Venes, Lewes, Sebestyan and Sancto his sonneys your gracious lettres patentees vnder your grete seale in due forme to be made according to the tenour hereafter ensuyng. And they shall during their lyues pray to God for the prosperous continuance of your moste noble and royale astate long to enduer.”—Hakluyt, *Principall Navigations*, Goldsmid's ed. XII, 22, Note.

### III. 1497, Aug. 23. LETTER OF LORENZO PASQUALIGO TO HIS BROTHERS, MERCHANTS OF VENICE.

752. LORENZO PASQUALIGO [residing in London] to his Brothers ALVISE and FRANCESCO.

The Venetian, our countryman, who went with a ship from Bristol in quest of new islands, is returned, and says that 700



leagues hence he discovered land, the territory of the Grand Cham (*Gram Cam*). He coasted for 300 leagues and landed; saw no human beings, but he has brought hither to the King certain snares which had been set to catch game, and a needle for making nets; he also found some felled trees, wherefore he supposed there were inhabitants, and returned to his ship in alarm.

He was three months on the voyage, and on his return he saw two islands to starboard, but would not land, time being precious, as he was short of provisions. He says that the tides are slack and do not flow as they do here. The King of England is much pleased with this intelligence.

The King has promised that in the spring our countryman shall have ten ships, armed to his order, and at his request has conceded him all the prisoners, except such as are confined for high treason, to man his fleet. The King has also given him money wherewith to amuse himself till then, and he is now at Bristol with his wife, who is also Venetian, and with his sons; his name is Juan Cabot, and he is styled the great admiral. Vast honour is paid him; he dresses in silk, and these English run after him like mad people, so that he can enlist as many of them as he pleases, and a number of our own rogues besides.

The discoverer of these places planted on his new-found land a large cross, with one flag of England and another of S. Mark, by reason of his being a Venetian, so that our banner has floated very far afield.

London, 23 August 1497.

*Calendars of State Papers, Venetian, 1202-1509, p. 262.*

IV. 1497, Aug. 24. RAIMUNDUS, AGENT OF THE DUKE OF MILAN, TO HIS GOVERNMENT.

And first of all that, by God's grace, the King and the whole court were in good condition, and on the 17th August were at a place called Woodstock, 50 miles from London, where it was said that they would reside until Michaelmas, more or less according to circumstances. . . .

Also some months ago his Majesty sent out a Venetian, who is a very good mariner, and has good skill in discovering new islands, and he has returned safe, and has found two very

large and fertile new islands; having likewise discovered the seven cities, 400 leagues from England, on the western passage. This next spring his Majesty means to send him with fifteen or twenty ships.

Also, the kingdom of England has never for many years been so obedient to its Sovereign as it is at present to his Majesty the King.—*Calendars of State Papers, Venetian*, 1202—1509, pp. 259, 260.

V. 1497, Dec. 18. THE SAME TO THE SAME.

Most Illustrious and Excellent My Lord:—

Perhaps among your Excellency's many occupations, it may not displease you to learn how his Majesty here has won a part of Asia without a stroke of the sword. There is in this kingdom a Venetian fellow, Master John Caboto by name, of fine mind, greatly skilled in navigation, who seeing that those most serene kings, first he of Portugal, and then the one of Spain, have occupied unknown islands, determined to make a like acquisition for his Majesty aforesaid. And having obtained royal grants that he should have the usufruct of all that he should discover, provided that the ownership of the same is reserved to the crown, with a small ship and eighteen persons he committed himself to fortune; and having set out from Bristol, a western port of this kingdom, and passed the western limits of Hibernia, and then standing to the northward he began to steer eastward, leaving (after a few days) the North Star on his right hand; and, having wandered about considerably, at last he fell in with *terra firma*, where, having planted the royal banner and taken possession on behalf of this King, and taken certain tokens, he has returned thence. The said Master John, as being foreign-born and poor, would not be believed if his comrades, who are almost all Englishmen and from Bristol, did not testify that what he says is true. This Master John has the description of the world in a chart, and also in a solid globe which he has made, and he [or the chart and the globe] shows where he landed, and that going toward the east he passed considerably beyond the country of the Tanais. And they say that it is a very good and temperate country, and they think that Brazil-wood and silks grow there; and they affirm that that sea is covered.

with fishes, which are caught not only with the net but with baskets, a stone being tied to them in order that the baskets may sink in the water. And this I heard the said Master John relate, and the aforesaid Englishmen, his comrades, say that they will bring so many fishes that this kingdom will no longer have need of Iceland, from which country there comes a very great store of fish which are called stock-fish. But Master John has set his mind on something greater; for he expects to go farther on toward the East (Levant,) from that place already occupied, constantly hugging the shore, until he shall be over against [or "on the other side of"] an island, by him called Cipango, situated in the equinoctial region, where he thinks all the spices of the world, and also the precious stones, originate; and he says that in former times he was at Mecca, whither spices are brought by caravans from distant countries, and that those who brought them, on being asked where the said spices grow, answered that they do not know, but that other caravans come to their homes with this merchandise from distant countries, and these [caravans] again say that they are brought to them from other remote regions. And he argues thus,—that if the Orientals affirmed to the Southerners that these things come from a distance from them, and so from hand to hand, presupposing the roundness of the earth, it must be that the last ones get them at the North toward the West; and he said it in such a way, that, having nothing to gain or lose by it, I too believe it: and what is more, the King here, who is wise and not lavish, likewise puts some faith in him; for (ever) since his return he has made good provision for him, as the same Master John tells me. And it is said that, in the spring, his Majesty aforesaid will fit out some ships, and will besides give him all the convicts, and they will go to that country to make a colony, by means of which they hope to establish in London a greater storehouse of spices than there is in Alexandria; and the chief men of the enterprise are of Bristol, great sailors, who, now that they know where to go, say that it is not a voyage of more than fifteen days, nor do they ever have storms after they get away from Hibernia. I have also talked with a Burgundian, a comrade of Master John's, who confirms everything, and wishes to return thither because the Admiral (for

so Master John already entitles himself) has given him an island; and he has given another one to a barber of his from Castiglione-of-Genoa, and both of them regard themselves as Counts, nor does my Lord the Admiral esteem himself anything less than a Prince. I think that with this expedition there will go several poor Italian monks, who have all been promised bishoprics. And, as I have become a friend of the Admiral's, if I wished to go thither I should get an archbishopric. But I have thought that the benefices which your Excellency has in store for me are a surer thing; and therefore I beg that if these should fall vacant in my absence, you will cause possession to be given to me, taking measures to do this rather [especially] where it is needed, in order that they be not taken from me by others, who because they are present can be more diligent than I, who in this country have been brought to the pass of eating ten or twelve dishes at every meal, and sitting at table three hours at a time twice a day, for the sake of your Excellency, to whom I humbly commend myself.

Your Excellency's

Very humble servant,

RAIMUNDUS.

LONDON, Dec. 18, 1497.

*Narrative and Critical History of America*, vol. iii., p. 54.

#### VI. 1544. THE "CABOT MAP."

[This legend is inscribed in Hudson's Bay on the Cabot map of 1544.]

No. 8. This land was discovered by Juan Cabot, a Venetian, and by Sebastian Cabot, his son, in the year of the birth of our Saviour Jesus Christ 1494, on the 24th of June, in the morning, to which they gave the name of "first land seen" (*prima tierra vista*); and to a large island which is situated along the said land they gave the name San Juan, because it had been discovered the same day. The people of it are dressed in the skins of animals. They use in their wars bows and arrows, lances and darts, and certain clubs of wood, and slings. It is a very sterile land. There are in it many white bears, and very large stags like horses, and many other animals; and likewise there is infinite fish,—sturgesons, salmon,

very large soles a yard in length, and many other kinds of fish, —and the greatest quantity of them is called (*baccallaos*) cod-fish; and likewise there are in the same land hawks black as crows, eagles, partridges, *linnets* and many other kinds of birds of different species.—*Proceedings of the Massachusetts Historical Society*, 2nd series, VI., pp. 311 and 333.

VII. 1544. AN EXTRACT TAKEN OUT OF THE MAPPE OF SEBASTIAN CABOT.

In the yeere of our Lord 1494, Iohn Cabot a Venetian, and his sonne Sebastian (with an English fleet set out from Bristol) discovered that land which no man before that time had attempted, on the 24th of Iune, about fve of the clocke early in the morning. This land he called Prima vista, that is to say, First seene, because as I suppose it was that part whereof they had the first sight from sea. That Island which lieth out before the land, he called the Island of S. Iohn vpon this occasion, as I thinke, because it was discovered vpon the day of Iohn the Baptist. The inhabitants of this Island vse to weare beasts skinnes, and haue them in as great estimation as we haue our finest garments. In their warres they vse bowes, arrowes, pikes, darts, wooden clubs, and slings. The soile is barren in some places, and yeeldeth little fruit, but it is full of white lions, and stags farre greater than ours. It yeeldeth plenty of fish, and those very great, as seales, and those which commonly we call salmons: there are soles also aboue a yard in length: but especially there is great abundance of that kinde of fish which the Saluages call Baccalaos. In the Island also there breed hawks, but they are so blacke, that they are very like to rauens, as also their partridges, and eagles, which are in like sort blacke.—Hakluyt, *Principal Navigations*, ed. 1589, p. 511.

VIII. ANOTHER TESTIMONIE OF THE VOYAGE OF SEBASTIAN CABOT TO THE WEST AND NORTHWEST, TAKEN OUT OF THE SIXT CHAPTER OF THE THIRD DECADE OF PETER MARTYR OF ANGLERIA.

1516 These North seas haue bene searched by one Sebastian Cabot, a Venetian borne, whom being yet but in maner an infant, his parents carried with them into England, hauing

occasion to resort thither for trade of merchandise, as is the maner of the Venetians to leaue no part of the world vnsearched to obtain riches. He therefore furnished two ships in England at his owne charges, and first with 300 men directed his course so farre towards the North pole, that euen in the moneth of Iuly he found monstrous heapes of ice swimming on the sea, and in maner continuall day light, yet saw he the land in that tract free from ice, which had bene molten by the heat of the Sunne. Thus seeing such heapes of ice before him, he was enforced to turne his sailes and follow the West, so coasting still by the shore, that hee was thereby brought so farre into the South, by reason of the land bending so much Southwards, that it was there almost equal in latitude, with the sea Fretum Herculeum, hauing the Northpole eleuate in maner in the same degree. He sailed likewise in this tract so farre towards the West, that hee had the Island of Cuba on his left hand, in maner in the same degree of longitude. As he trauelled by the coasts of this great land, (which he named Baccalaos) he saith that hee found the like course of the waters toward the West, but the same to runne more softly and gently than the swift waters which the Spaniards found in their Navigations Southwards. Wherefore it is not onely more like to be true, but ought also of necessitie to be concluded that betweene both the lands hitherto vnknown, there should be certaine great open places whereby the waters should thus continually passe from the East vnto the West: which waters I suppose to be driuen about the globe of the earth by the uncessant mouing and impulsio[n] of the heauens, and not to bee swallowed vp and cast vp againe by the breathing of Demogorgon, as some haue imagined, because they see the seas by increase and decrease to ebbe and flowe. Sebastian Cabot himself named those lands Baccalaos, because that in the Seas thereabout hee found so great multitudes of certaine bigge fishes much like vnto Tunies, (which the inhabitants called Baccalaos) that they sometimes stayed his ships. He found also the people of those regions couered with beastes skinned, yet not without the vse of reason. Hee also saith there is great plentie of Beares in those regions which vse to eate fishe: for plunging themselues into the water, where they perceiue a multitude of these fishes to lie, they

fasten their clawes in their scales, and so draw them to land and eate them, so (as he saith) the Beares being thus satisfied with fish, are not noisome to men. Hee declareth further, that in many places of these regions he saw great plentie of Laton [copper] among the inhabitants. Cabot is my very friend, whom I vse familiarly, and delight to haue him sometimes keepe me companie in mine owne house. For being called out of England by the commandement of the Catholik King of Castile, after the death of King Henry the seuenth of that name, king of England, he was made one of our council and Assistants, as touching the affaires of the new Indies, looking for ships daily to be furnished for him to discouer this hid secret of Nature.—Hakluyt, *Principall Navigations*, ed. 1589, p. 514.

IX. A DISCOURSE OF SEBASTIAN CABOT TOUCHING HIS  
DISCOVERIE OF PART OF THE WEST INDIA.

Doe you not vnderstand sayd hee (speaking to certaine Gentlemen of Venice) how to passe to India toward the North-west winde, as did of late a citizen of Venice, so valiant a man, and so well practised in all things pertaining to nauigations, and the science of Cosmographie, that at this present hee hath not his like in Spaine, insomuch that for his virtues he is preferred aboue all other Pilots that saile to the West Indies, who may not passe thither without his licence, and is therefore called *Piloto Maggiore* (that is) the grand Pilot. And when we said that wee knew him not, he proceeded, saying, that being certaine yeeres in the city of Siuil, and desirous to haue some knowledge of the Nauigations of the Spaniards, it was told him that there was in the citie a valiant man, a Venetian borne named Sebastian Cabot, who had the charge of those things, being an expert man in that science, and one that could make Cardes for the Sea with his owne hand, and that by this report, seeking his acquaintance, he found him a very gentle person, who intertained him friendly, and shewed him many things, and among other a large mappe of the world, with certaine particuler nauigations, as well of the Portingals, as of the Spaniards, and that he spake further vnto him in this effect.

When my fathér departed from Venice many yeeres since to dwell in England, to follow the trade of merchandises, he

tooke me with him to the citie of London, while I was very yong, yet hauing neuerthesse some knowledge of letters of humanitie, and of the Sphere. And when my father died in that time when newes were rought that Don Cristopher Colonius Genuese had discovered the coasts of India, whereof was great talke in all the court of king Henry the 7, who then reigned, insomuch that all men with great admiration affirmed it to be a thing more diuine than humane, to saile by West into the East where spices growe, by a way that was neuer known before, by this fame and report there increased in my heart a great flame of desire to attempt some notable thing. And vnderstanding by reason of the Sphere, that if I should saile by way of the Northwest winde, I should by a shorter tract come into India, I thereupon caused the king to be aduertised of my deuise, who immediatly caused two Caruels to bee furnished with all things appertayning to the voyage, which was, as farre as I remember, in the yeere 1496 in the beginning of Sommer. I began therefore to saile toward the Northwest, not thinking to finde any other land than that of Cathay, and from thence to turne toward India, but after certaine dayes I found that the land ranne towards the North, which was to me a great displeasure. Neuerthesse, sailing along by the coast to see if I could find any gulfe that turned, I found the lande still continent to the 56. deg. vnder our pole. And seeing that there the coast turned toward the East, despairing to find the passage, I turned backe againe, and sailed downe by the coast of that land toward the Equinoctiall (euer with intent to finde the saide passage to India) and came to that part of this firme lande which is now called Florida, where my victuals failing, I departed from thence and returned into England, where I found great tumults among the people, and preparation for warres in Scotland; by reason whereof there was no more consideration had to this voyage. Whereupon I went into Spaine to the Catholik king, and Queene Elizabeth, which being aduertised what I had done, intertained me, and at their charges furnished certaine ships, wherewith they caused me to saile to discover the coastes of Brazil, where I found an exceeding great and large riuier named at this present Rio de la plata, that is, the riuier of siluer, into which I sailed and followed it into the firme land, more than



sixe score leagues, finding it euery where very faire, and inhabited with infinite people, which with admiration came running dayly to our ships. Into this Riuer runne so many other riuers, that it is in maner incredible.

After this I made many other voyages, which I nowe pretermitt, and waxing old, I giue myself to rest from such trauels, because there are nowe many yong and lustie Pilots and Mariners of good experience, by whose forwardnesse I doe reioyce in the fruit of my labours, and rest with the charge of this office, as you see.—Hakluyt, *Principall Navigations*, ed. 1589, p. 512.

#### X. GOMARA'S ACCOUNT. XXXXXXXXXX

. . . The coaste of the lande of Baccalaos, is a greate tracte : and the greatest altitude therof, is xlviii [forty-eight] degrees and a halfe. Sebastian Cabot was the fyrst that browght any knowlege of this lande. For beinge in Englande in the dayes of kyng Henry the seuenth, he furnysshed twoo shippes at his owne charges or (as sum say) at the kynges, whome he perswaded that a passage might bee founde to Cathay by the north seas, and that spices myght bee brought from thense soner by that way, then by the vyage the Portugales vse by the sea of Sur. He went also to knowe what maner of landes those Indies are to inhabite. He had with hym three hundreth men, and directed his course by the tracte of Islande vppon the cape of Laborador at lviii. [fifty-eight] degrees : affirmynge that in the monethe of July there was such could and heapes of Ise that he durst passe no further : also that the dayes were very longe and in maner without nyght, and the nyghtes very clear. Certeyne it is, that at the lx. [sixty] degrees, the longest day is of xviii. [eighteen] hours. But consyderynge the coulde and the straungenes of the vnknown lande, he turned his course from thense to the West, folowynge the coast of the lande of Baccalaos vnto the xxxviii. [thirty-eight] degrees, from whense he returned to Englande.—Gomara, Eden's translation in his *Three Decades*, ed. 1555, folio 318.

PRICE, 10 CENTS.

*Published Bi-Monthly. Annual Subscription, 60 Cents.*

# American History Leaflets

COLONIAL AND CONSTITUTIONAL.

EDITED BY

ALBERT BUSHNELL HART AND EDWARD CHANNING

OF HARVARD UNIVERSITY.

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NO. 10.

JULY, 1893.

GOVERNOR McDUFFIE'S MESSAGE  
ON THE  
SLAVERY QUESTION.  
1835.

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NEW YORK  
A. LOVELL & COMPANY

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*Published Bi-Monthly. Annual Subscription, 30 cents.*

Entered at the New York Postoffice as second-class matter.

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PRICE, 5 CENTS.

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## GOVERNOR McDUFFIE'S MESSAGE

ON THE

## SLAVERY QUESTION.

1835.

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Discussions of the slavery question in speeches, public addresses, and official messages were frequent from 1789 on. In the messages of Governors Lumpkin and Troup of Georgia in regard to the Creek and Cherokee controversies from 1826 to 1829 are to be found distinct intimations of the duty of the Southern States to defend slavery by force if necessary. The discussion was much aggravated, however, after 1830, by three causes: the abolitionists of Boston and New York began to publish violent anti-slavery newspapers, and to attempt to circulate them in the South; in 1831 the Nat Turner slave insurrection in Virginia caused the death of about seventy white persons, and spread alarm throughout the South; and in 1833 emancipation was enforced by the British government in the British West Indies.

The frame of mind of the Southern leaders is well set forth in the sub-joined extracts from a message of Governor McDuffie to the South Carolina Legislature. It is found in the printed *Laws of South Carolina, 1836, Journal of the General Assembly of the State of South Carolina for the year 1835*, pp. 4-10.

. . . SINCE your last adjournment, the public mind, throughout the slave-holding states, has been intensely, indignantly and justly excited by the wanton, officious and incendiary proceedings of certain societies and persons in some of the non-slaveholding states, who have been actively employed in attempting to circulate among us pamphlets, papers and pictorial representations of the most offensive and inflammatory character, and eminently calculated to seduce our slaves from their fidelity, and excite them to insurrection and massacre. These wicked monsters and deluded fanatics, overlooking the numerous objects in their own vicinity, who have a moral, if not a legal claim upon their charitable regard, run abroad, in the expansion of their hypocritical benevolence, muffled up in the saintly mantle of Christian meekness, to fulfil the fiend-like errand of mingling the blood of the master and the slave, to whose fate they are equally indifferent, with the smouldering ruins of our peaceful dwellings. No principle of human action so utterly baffles all human calculation as that species of fanatical enthusiasm, which is made of envy and ambition, assuming the guise of religious zeal, and acting upon the known prejudices, religious or political, of an ignorant multitude. Under the influence of this species of voluntary madness, nothing is sacred that stands in the way of its purposes. Like all other religious impostures, it has power to consecrate every act, however atrocious, and every person, however covered with "multiplying villanies," that may promote its diabolical ends, or worship at its infernal altars. By its unholy creed, murder itself becomes a labor of love and charity, and the felon renegado, who flies from the justice of his country, finds not only a refuge, but becomes a sainted minister, in the sanctuary of its temple. No error can be more mischievous, than to underrate the danger of such a principle, and no policy can be more fatal than to neglect it, from a contempt for the supposed insignificance of its agents. The experience of both France and Great Britain fearfully instruct us, from what small and contemptible beginnings, this *ami des noirs* philanthropy may rise to a gigantic power, too mighty to be resisted by all the influence and energy of the government; in the one case, shrouding a wealthy and flourishing island in the blood of its white inhabitants; in the other, literally driving the ministry,

by means of an instructed parliament, to perpetrate that act of suicidal legislation, and colonial oppression, the emancipation of slaves in the British West Indies. It may be not unaptly compared to the element of fire, of which, a neglected spark, amongst combustible materials, which a timely stamp of the foot might have extinguished forever, speedily swells into a sweeping torrent of fiery desolation, which no human power can arrest or control. In the opinion of the intelligent West India planters, it is because the local authorities, from a sense of false security neglected to hang up the first of these political missionaries that made their appearance on the British Islands, that they are doomed to barrenness and desertion, and to be the wretched abodes of indolent and profligate blacks, exhibiting, in their squalid poverty, gross immorality and slavish subjection to an iron despotism of British bayonets, the fatal mockery of all the promised blessings of emancipation.

Under these circumstances, and in this critical conjuncture of our affairs, the solemn and responsible duty devolves on the legislature, of "taking care that the republic receive no detriment."

The crime which these foreign incendiaries have committed against the peace of the State, is one of the very highest grade known to human laws. It not only strikes at the very existence of society, but seeks to accomplish the catastrophe, by the most horrible means, celebrating the obsequies of the State in a saturnial carnival of blood and murder, and while brutally violating all the charities of life, and desecrating the very altars of religion, impiously calling upon Heaven to sanction these abominations. It is my deliberate opinion, that the laws of every community should punish this species of interference by death without benefit of clergy, regarding the authors of it as "enemies of the human race." Nothing could be more appropriate than for South Carolina to set this example in the present crisis, and I trust the Legislature will not adjourn till it discharges this high duty of patriotism.

It cannot be disguised, however, that any laws which may be enacted by the authority of this State, however adequate to punish and repress offences committed within its limits, will be wholly insufficient to meet the exigencies of the present

conjuncture. If we go no farther than this, we had as well do nothing.

The outrages against the peace and safety of the State are perpetrated in other communities, which hold and exercise sovereign and exclusive jurisdiction over all persons and things within their territorial limits. It is within these limits, protected from responsibility to our laws by the sovereignty of the States in which they reside, that the authors of all this mischief, securely concoct their schemes, plant their batteries, and hurl their fiery missiles among us, aimed at that mighty magazine of combustible matter, the explosion of which would lay the State in ruins.

It will, therefore, become our imperious duty, recurring to those great principles of international law, which still exist in all their primitive force amongst the sovereign States of this confederacy, to demand of our sovereign associates the condign punishment of those enemies of our peace, who avail themselves of the sanctuaries of their respective jurisdictions, to carry on schemes of incendiary hostility against the institutions, the safety, and the existence of the State. In performing this high duty, to which we are constrained by the great law of self-preservation, let us approach to our co-states with all the fraternal mildness which becomes us as members of the same family of confederated republics, and at the same time with that firmness and decision, which becomes a sovereign State, while maintaining her dearest interests and most sacred rights.

For the institution of domestic slavery we hold ourselves responsible only to God, and it is utterly incompatible with the dignity and the safety of the State, to permit any foreign authority to question our right to maintain it. It may nevertheless be appropriate, as a voluntary token of our respect for the opinions of our confederate brethren, to present some views to their consideration on this subject, calculated to disabuse their minds of false opinions and pernicious prejudices.

No human institution, in my opinion, is more manifestly consistent with the will of God, than domestic slavery, and no one of his ordinances is written in more legible characters than that which consigns the African race to this condition, as more conducive to their own happiness, than any other of which they are susceptible. Whether we consult the sacred

Scriptures, or the lights of nature and reason, we shall find these truths as abundantly apparent, as if written with a sun-beam in the heavens. Under both the Jewish and Christian dispensations of our religion, domestic slavery existed with the unequivocal sanction of its prophets, its apostles and finally its great Author. The patriarchs themselves, those chosen instruments of God, were slave-holders. In fact the divine sanction of this institution is so plainly written that "he who runs may read" it, and those over-righteous pretenders and Pharisees, who affect to be scandalized by its existence among us, would do well to inquire how much more nearly they walk in the ways of Godliness, than did Abraham, Isaac and Jacob. That the African negro is destined by Providence to occupy this condition of servile dependence, is not less manifest. It is marked on the face, stamped on the skin, and evinced by the intellectual inferiority and natural improvidence of this race. They have all the qualities that fit them for slaves, and not one of those that would fit them to be freemen. They are utterly unqualified not only for rational freedom, but for self-government of any kind. They are, in all respects, physical, moral, and political, inferior to millions of the human race, who have for consecutive ages, dragged out a wretched existence under a grinding political despotism, and who are doomed to this hopeless condition by the very qualities which unfit them for a better. It is utterly astonishing that any enlightened American, after contemplating all the manifold forms in which even the white race of mankind are doomed to slavery and oppression, should suppose it possible to reclaim the African race from their destiny. The capacity to enjoy freedom is an attribute not to be communicated by human power. It is an endowment of God, and one of the rarest which it has pleased his inscrutable wisdom to bestow upon the nations of the earth. It is conferred as the reward of merit, and only upon those who are qualified to enjoy it. Until the "Ethiopian can change his skin," it will be in vain to attempt, by any human power, to make freemen of those whom God has doomed to be slaves, by all their attributes.

Let not, therefore, the misguided and designing intermeddlers who seek to destroy our peace, imagine that they are serving the cause of God by practically arraigning the decrees



of his Providence. Indeed it would scarcely excite surprise, if with the impious audacity of those who projected the tower of Babel, they should attempt to scale the battlements of Heaven, and remonstrate with the God of wisdom for having put the mark of Cain and the curse of Ham upon the African race, instead of the European.

If the benevolent friends of the black race would compare the condition of that portion of them which we hold in servitude, with that which still remains in Africa totally unblest by the lights of civilization or Christianity, and groaning under a savage despotism, as utterly destitute of hope as of happiness, they would be able to form some tolerable estimate, of what our blacks have lost by slavery in America, and what they have gained by freedom in Africa. Greatly as their condition has been improved, by their subjection to an enlightened and Christian people, (the only mode under heaven by which it could have been accomplished,) they are yet wholly unprepared for any thing like a rational system of self-government. Emancipation would be a positive curse, depriving them of a guardianship essential to their happiness, and they may well say in the language of the Spanish proverb, "Save us from our friends and we will take care of our enemies." If emancipated, where would they live and what would be their condition? The idea of their remaining among us is utterly visionary. Amalgamation is abhorrent to every sentiment of nature; and if they remain as a separate caste, whether endowed with equal privileges or not, they will become our masters or we must resume the mastery over them. This state of political amalgamation and conflict, which the Abolitionists evidently aim to produce, would be the most horrible condition imaginable, and would furnish Dante or Milton with the type for another chapter illustrating the horrors of the infernal regions. The only disposition, therefore, that could be made of our emancipated slaves would be their transportation to Africa, to exterminate the natives or be exterminated by them; contingencies, either of which may well serve to illustrate the wisdom, if not the philanthropy of these superserviceable madmen, who in the name of humanity would desolate the fairest region of the earth and destroy the most perfect system of social and political happiness, that ever has existed.

It is perfectly evident that the destiny of the Negro race is, either the worst possible form of political slavery, or else domestic servitude as it exists in the slave-holding States. The advantage of domestic slavery over the most favorable condition of political slavery, does not admit of a question. It is the obvious interest of the master, not less than his duty, to provide comfortable food and clothing for his slaves; and whatever false and exaggerated stories may be propagated by mercenary travellers, who make a trade of exchanging calumny for hospitality, the peasantry and operatives of no country in the world are better provided for, in these respects, than the slaves of our country. In the single empire of Great Britain, the most free and enlightened nation in Europe, there are more wretched paupers and half starving operatives, than there are Negro slaves in the United States. In all respects, the comforts of our slaves are greatly superior to those of the English operatives, or the Irish and continental peasantry, to say nothing of the millions of paupers crowded together in those loathsome receptacles of starving humanity, the public poor-houses. Besides the hardships of incessant toil, too much almost for human nature to endure, and the sufferings of actual want, driving them almost to despair, these miserable creatures are perpetually annoyed by the most distressing cares for the future condition of themselves and their children.

From this excess of labor, this actual want, and these distressing cares, our slaves are entirely exempted. They habitually labor from two to four hours a day less than the operatives in other countries, and it has been truly remarked, by some writer, that a negro cannot be made to injure himself by excessive labor. It may be safely affirmed that they eat as much wholesome and substantial food in one day, as English operatives or Irish peasants eat in two. And as it regards concern for the future, their condition may well be envied even by their masters. There is not upon the face of the earth, any class of people, high or low, so perfectly free from care and anxiety. They know that their masters will provide for them, under all circumstances, and that in the extremity of old age, instead of being driven to beggary or to seek public charity in a poor-house, they will be comfortably accommodated and kindly treated among their relatives and associ-

ates. Cato, the elder, has been regarded as a model of Roman virtue, and yet he is said to have sold his superannuated slaves to avoid the expense of maintaining them. The citizens of this State may not aspire to rival the virtue of the Romans, but it may be safely affirmed, that they would doom to execration the master who should imitate the inhuman example of the Roman paragon. The government of our slaves is strictly patriarchal, and produces those mutual feelings of kindness which result from a constant interchange of good offices, and which can only exist in a system of domestic or patriarchal slavery. They are entirely unknown either in a state of political slavery, or in that form of domestic servitude which exists in all other communities.

In a word, our slaves are cheerful, contented and happy, much beyond the general condition of the human race, except where those foreign intruders and fatal ministers of mischief, the emancipationists, like their arch-prototype in the Garden of Eden, and actuated by no less envy, have tempted them to aspire above the condition to which they have been assigned in the order of Providence.

Nor can it be admitted, as some of our own statesmen have affirmed, in a mischievous and misguided spirit of sickly sentimentality, that our system of domestic slavery is a curse to the white population—a moral and political evil, much to be deplored, but incapable of being eradicated. Let the tree be judged by its fruit. More than half a century ago, one of the most enlightened statesmen who ever illustrated the parliamentary annals of Great Britain, looking into political causes, with an eye of profound philosophy, ascribed the high and indomitable spirit of liberty which distinguished the Southern Colonies, to the existence of domestic slavery; referring to the example of the free states of antiquity as a confirmation of his theory. Since those colonies have become independent States, they have amply sustained the glory of their primitive character. There is no coloring of national vanity in the assertion, which impartial history will ratify, that the principles of rational liberty are not less thoroughly understood, and have been more vigilantly, resolutely and effectively defended *against all the encroachments of power, by the slave-holding States, than by any other members of the confederacy.* In

which of our great political conflicts is it, that they have not been found arrayed against every form of usurpation, and fighting under the flag of liberty? Indeed it is a fact of historical notoriety, that those great Whig principles of liberty, by which government is restrained within constitutional limits, have had their origin, and for a long time have had their abiding place, in the slave-holding States.

Reason and philosophy can easily explain what experience so clearly testifies. If we look into the elements of which all political communities are composed, it will be found that servitude, in some form, is one of the essential constituents. No community ever has existed without it, and we may confidently assert, none ever will. In the very nature of things there must be classes of persons to discharge all the different offices of society, from the highest to the lowest. Some of those offices are regarded as degrading, though they must and will be performed. Hence those manifold forms of dependent servitude which produce a sense of superiority in the masters or employers, and of inferiority on the part of the servants. Where these offices are performed by members of the political community, a dangerous element is introduced into the body politic. Hence the alarming tendency to violate the rights of property by agrarian legislation, which is beginning to be manifest in the older States, where universal suffrage prevails without domestic slavery, a tendency that will increase in the progress of society with the increasing inequality of wealth. No government is worthy of the name that does not protect the rights of property, and no enlightened people will long submit to such a mockery. Hence it is that in older countries, different political orders are established to effect this indispensable object, and it will be fortunate for the non-slaveholding States, if they are not in less than a quarter of a century, driven to the adoption of a similar institution, or to take refuge from robbery and anarchy under a military despotism. But where the menial offices and dependent employments of society are performed by domestic slaves, a class well defined by their color and entirely separated from the political body, the rights of property are perfectly secure, without the establishment of artificial barriers. In a word, the institution of domestic slavery supersedes the

necessity of an order of nobility, and all the other appendages of a hereditary system of government. If our slaves were emancipated, and admitted, bleached or unbleached, to an equal participation in our political privileges, what a commentary should we furnish upon the doctrines of the emancipationists, and what a revolting spectacle of republican equality should we exhibit to the mockery of the world! No rational man would consent to live in such a state of society, if he could find a refuge in any other.

Domestic slavery, therefore, instead of being a political evil, is the corner-stone of our republican edifice. No patriot who justly estimates our privileges will tolerate the idea of emancipation, at any period, however remote, or on any conditions of pecuniary advantage, however favorable. I would as soon open a negotiation for selling the liberty of the State at once, as for making any stipulations for the ultimate emancipation of our slaves. So deep is my conviction on this subject, that if I were doomed to die immediately after recording these sentiments, I could say in all sincerity and under all the sanctions of Christianity and patriotism, "God forbid that my descendants, in the remotest generations, should live in any other than a community having the institution of domestic slavery, as it existed among the patriarchs of the primitive Church and in all the free states of antiquity."

If the Legislature should concur in these general views of this important element of our political and social system, our confederates should be distinctly informed, in any communications we may have occasion to make to them, that in claiming to be exempted from all foreign interference, we can recognize no distinction between ultimate and immediate emancipation.

It becomes necessary, in order to ascertain the extent of our danger, and the measures of precaution necessary to guard against it, that we examine into the real motives and ultimate purposes of the Abolition Societies and their prominent agents. To justify their officious and gratuitous interference in our domestic affairs,—the most insulting and insolent outrage which can be offered to a community—they profess to hold themselves responsible for the pretended sin of our domestic *slavery*, because, forsooth, *they* tolerate its existence among *us*. If *they* are at all responsible for the sin of slavery, what-

ever that may be, it is not because they tolerate it now, but because their ancestors were the agents and authors of its original introduction. These ancestors sold ours the slaves and warranted the title, and it would be a much more becoming labor of filial piety for their descendants to pray for their souls, if they are Protestants, and buy masses to redeem them from purgatory, if they are Catholics, than to assail their warranty and slander their memory by denouncing them as "man-stealers and murderers." But this voluntary and gratuitous assumption of responsibility, in imitation of a recent and high example in our history, but imperfectly conceals a lurking principle of danger, which deserves to be examined and exposed. What is there to make the people of New York or Massachusetts responsible for slavery in South Carolina, any more than the people of Great Britain? To assume that the people of those States are responsible for the continuance of this institution, is distinctly to assume that they have a right to abolish it. And whatever enforced disclaimers they may make, their efforts would be worse than unprofitable on any other hypothesis. The folly of attempting to convert the slave-holders to voluntary emancipation, by a course of slander and denunciation, is too great to be ascribed even to fanaticism itself. They do not, indeed, disguise the fact that their principal object is to operate on public opinion in the non-slaveholding States. And to what purpose? They cannot suppose that the opinion of those States, however unanimous, can break the chains of slavery by some moral magic. The whole tenor of their conduct and temper of their discussions clearly demonstrate that their object is to bring the slave-holding States into universal odium, and the public opinion of the non-slaveholding to the point of emancipating our slaves by federal legislation, without the consent of their owners. Disguise it as they may, "to this complexion it must come at last."

It is in this aspect of the subject, that it challenges our grave and solemn consideration. It behooves us then, in my opinion, to demand, respectfully, of each and every one of the slave-holding States:

1. A formal and solemn disclaimer, by its Legislature, of the existence of any rightful power, either in such State or the

United States, in Congress assembled, to interfere in any manner, whatever, with the institution of domestic slavery in South Carolina.

2. The immediate passage of penal laws by such Legislature, denouncing against the incendiaries of whom we complain, such punishments as will speedily and forever suppress their machinations against our peace and safety. Though the right to emancipate our slaves by coercive legislation has been very generally disclaimed by popular assemblages in the non-slaveholding States, it is nevertheless important that each of those States should give this disclaimer and the authentic and authoritative form of a legislative declaration, to be preserved as a permanent record for our future security. Our right to demand of those States the enactment of laws for the punishment of those enemies of our peace, who avail themselves of the sanctuary of their sovereign jurisdiction to wage a war of extermination against us, is founded on one of the most salutary and conservative principles of international law. Every State is under the most sacred obligations, not only to abstain from all such interference with the institutions of another as is calculated to disturb its tranquillity or endanger its safety; but to prevent its citizens or subjects from such interference, either by inflicting condign punishment itself, or by delivering them up to the justice of the offending community. As between separate and independent nations, the refusal of a State to punish these offensive proceedings against another, by its citizens or subjects, makes the State so refused an accomplice in the outrage, and furnishes a just cause of war. These principles of international law are universally admitted, and none have been more sacredly observed by just and enlightened nations. The obligations of the non-slaveholding States to punish and repress the proceedings of their citizens against our domestic institutions and tranquillity are greatly increased, both by the nature of those proceedings and the fraternal relation which subsists between the States of this confederacy. For no outrage against any community can be greater than to stir up the elements of servile insurrection, and no obligation to repress it can be more sacred than that which adds to the *sanctions* of international law, the solemn guarantee of a *constitutional compact*, which is at once the bond and the condi-

tion of our union. The liberal, enlightened and magnanimous conduct of the people in many portions of the non-slaveholding States forbids us to anticipate a refusal on the part of those States to fulfil these high obligations of national faith and duty. And we have the less reason to look forward to this inauspicious result, from considering the necessary consequences which would follow, to the people of those States, and of the whole commercial world, from the general emancipation of our slaves. These consequences may be presented, as an irresistible appeal, to every rational philanthropist in Europe or America. It is clearly demonstrable that the production of cotton depends not so much on soil and climate, as on the existence of domestic slavery. In the relaxing latitudes where it grows, not one half the quantity would be produced but for the existence of this institution, and every practical planter will concur in the opinion, that if all the slaves in these States were now emancipated, the American crop would be reduced the very next year from 1,200,000 to 600,000 bales. No great skill in political economy will be required to estimate how enormously the price of cotton would be increased by this change, and no one who will consider how largely this staple contributes to the wealth of manufacturing nations, and to the necessities and comforts of the poorer classes all over the world, can fail to perceive the disastrous effects of so great a reduction in the quantity, and so great an enhancement in the price of it. In Great Britain, France and the United States, the catastrophe would be overwhelming, and it is not extravagant to say, that for little more than two millions of negro slaves, cut loose from their tranquil moorings, and set adrift upon the untried ocean, of at least a doubtful experiment, ten millions of poor white people would be reduced to destitution, pauperism and starvation. An anxious desire to avoid the last sad alternative of an injured community prompts this final appeal to the interests and enlightened philanthropy of our Confederate States. And we cannot permit ourselves to believe, that our just demands, thus supported by every consideration of humanity and duty, will be rejected by States, who are united to us by so many social and political ties, and who have so deep an interest in the preservation of that union. . . .



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EDITED BY

ALBERT BUSHNELL HART AND EDWARD CHANNING,  
OF HARVARD UNIVERSITY.

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NO. 11.

SEPTEMBER, 1893.

JEFFERSON'S  
PROPOSED INSTRUCTIONS TO THE VIRGINIA  
DELEGATES, 1774,  
AND THE ORIGINAL DRAFT OF  
THE DECLARATION OF INDEPENDENCE, 1776.

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*Published Bi-Monthly. Annual Subscription, 30 cents.*

Entered at the New York Postoffice as second-class matter.

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No. 11. [Double.]      SEPTEMBER, 1893.      PRICE, 10 CENTS.

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## **JEFFERSON'S PROPOSED INSTRUCTIONS TO THE VIRGINIA DELEGATES, 1774,**

AND THE ORIGINAL DRAFT OF

## **THE DECLARATION OF INDEPENDENCE, 1776.**

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Thomas Jefferson's early career is usually associated with the writing of the Declaration of Independence, and with that alone. To really understand his influence on public opinion before July, 1776, it is necessary to read with some care the "Instructions" which he drew up for the consideration of the Convention that met in 1774 to elect the Virginia delegates to the First Continental Congress. Jefferson had been elected a member of the Convention. "Before he left home," to use his own words, "he set down on paper in haste, with a number of blanks and with some uncertainties and inaccuracies of historical facts," instructions which he hoped the Convention would adopt. Although the paper was written in haste, it contained matter over which its author must have pondered for many an hour. As it turned out, he was unable to be present

at the Convention, and sent copies of his paper to Patrick Henry and Peyton Randolph. The latter laid the document before the Convention, which, however, preferred a milder set of instructions. Jefferson's friends then printed the document at Williamsburg with the title of "A Summary View of the Rights of British America." Prefixed to this edition was the following explanatory note: "The following piece was intended to convey to the late meeting of Delegates the sentiments of one of their body, whose personal attendance was prevented by an accidental illness. In it the sources of our present unhappy differences are traced with such faithful accuracy, and the opinions entertained by every free American expressed with such a manly firmness, that it must be pleasing to the present, and may be useful to future ages. It will evince to the world the moderation of our late convention, who have only touched with tenderness many of the claims insisted on in this pamphlet, though every heart acknowledged their justice. Without the knowledge of the author, we have ventured to communicate his sentiments to the public; who have certainly a right to know what the best and wisest of their members have thought on a subject in which they are so deeply interested." It was reprinted in full with the same title in England in 1774. From a copy of the London edition it is here reproduced. The author afterwards corrected his own copy of the Williamsburg edition, which may be found with the author's notes in Ford's "Jefferson," I., p. 427. The corrections are mainly literary. The only important one is noted on page 17. To facilitate comparison with the Declaration of Independence, that document is given herewith in Jefferson's original draft as printed in "The Writings of Jefferson," Congress. ed., vol. I., p. 19.

A  
SUMMARY VIEW  
OF THE  
RIGHTS  
OF  
BRITISH AMERICA.

Set forth in some  
RESOLUTIONS  
intended for  
The Inspection of the present DELEGATES  
of the PEOPLE of VIRGINIA, now in  
CONVENTION.

It is the indispensable duty of the supreme magistrate to consider himself as acting for the whole community, and obliged to support its dignity, and assign to the people, with justice, their various rights, as he would be faithful to the great trust reposed in him.

CICERO'S OF. B. I.

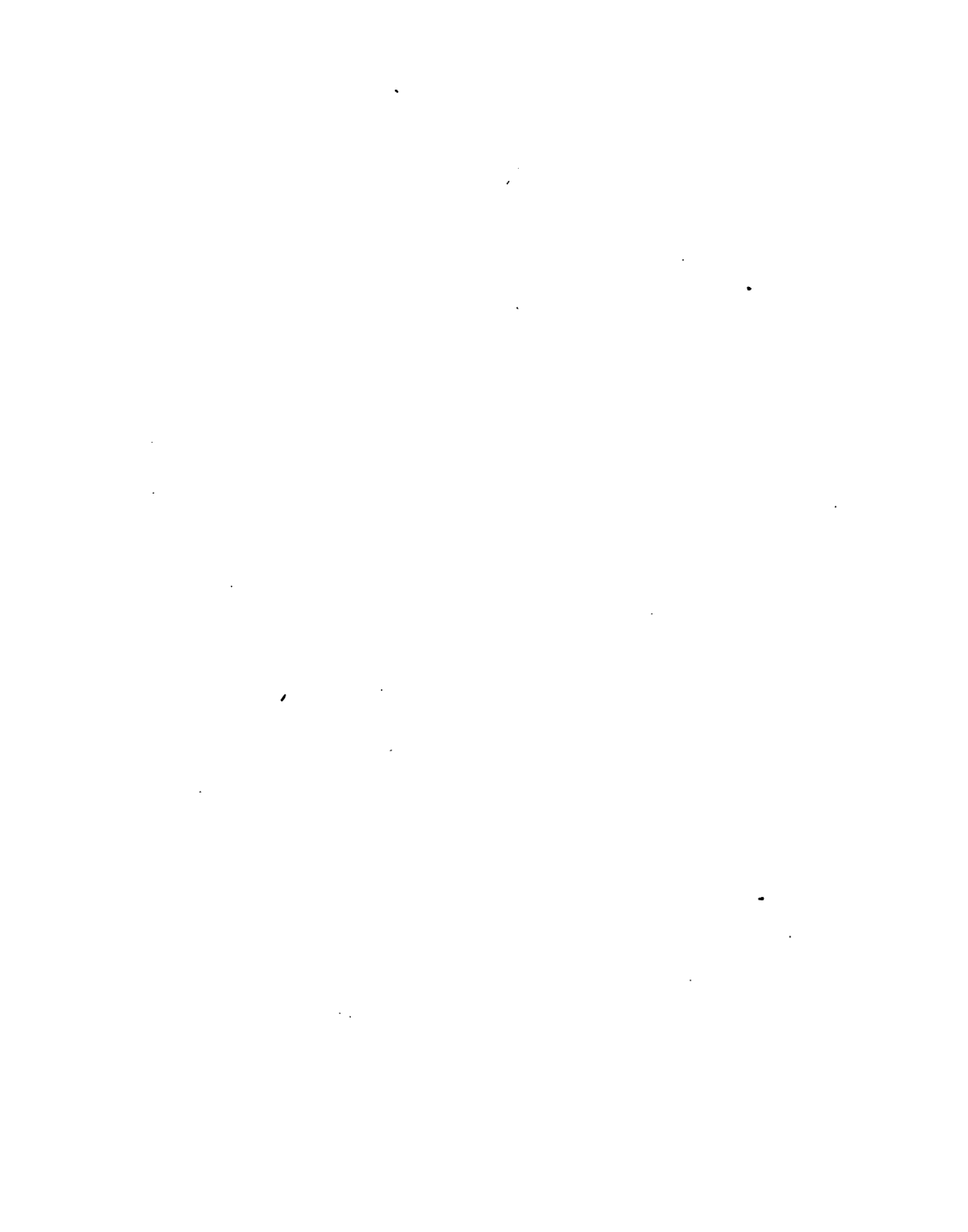
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BY A NATIVE, AND MEMBER OF THE HOUSE OF  
BURGESSES.

WILLIAMSBURG, Printed by CLEMENTINA RIND.

LONDON

Re-printed for G. KEARSLY, at No. 46, near  
Serjeants Inn, in Fleet Street, 1774.



A  
SUMMARY VIEW  
OF THE  
RIGHTS  
OF  
BRITISH AMERICA, &c.

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RESOLVED, that it be an instruction to the said deputies, when assembled in general congress with the deputies from the other states of British America, to propose to the said congress that an humble and dutiful address be presented to his majesty, begging leave to lay before him, as chief magistrate of the British empire, the united complaints of his majesty's subjects in America; complaints which are excited by many unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon those rights which God and the laws have given equally and independently to all. To represent to his majesty, that these his states have often individually made humble application to his imperial throne, to obtain, through its intervention, some redress of their injured rights, to none of which was ever even an answer condescended: humbly to hope that this their joint address, penned in the language of truth, and divested of those expressions of servility which would persuade his majesty that we are asking favours, and not rights, shall obtain from his majesty a more respectful acceptance. And this his majesty will think we have reason to expect, when he reflects that he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendence. And in order that these our rights, as well as the invasions of them,



may be laid more fully before his majesty, to take a view of them from the origin and first settlement of these countries.

To remind him, that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right which nature has given to all men, of departing from the country in which chance, not choice, has placed them ; of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner left their native wilds and woods in the north of Europe ; had possessed themselves of the island of Britain, then less charged with inhabitants, and had established there that system of laws which has so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence asserted over them by that mother country from which they had migrated ; and were such a claim made, it is believed that his majesty's subjects ✓ in Great Britain have too firm a feeling of the rights derived to them from their ancestors, to bow down the sovereignty to their state before such visionary pretensions. And it is thought that no circumstance has occurred to distinguish materially the British from the Saxon emigration. America was conquered, and her settlements made, and firmly established, at the expence of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement ; their own fortunes expended in making that settlement effectual ; for themselves they fought, for themselves they conquered, and for themselves alone they have ✓ right to hold. Not a shilling was ever issued from the public treasures of his majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. That then, indeed, having become valuable to Great Britain for her commercial purposes, his parliament was pleased to lend them assistance against an enemy, who would fain have drawn to herself the benefits of their commerce, to the great aggrandizement of herself, and danger of Great Britain. Such assistance, and in such *circumstances*, they had often before given to Portugal, and *other allied states*, with whom they carry on a commercial

intercourse; yet these states never supposed, that by calling in her aid, they thereby submitted themselves to her sovereignty. Had such terms been proposed, they would have rejected them with disdain, and trusted for better to the moderation of their enemies, or to a vigorous exertion of their own force. We do not, however, mean to under-rate those aids, which to us were doubtless valuable, on whatever principles granted; but we would shew that they cannot give a title to that authority which the British parliament would arrogate over us, and that they may amply be repaid by our giving to the inhabitants of Great Britain such exclusive privileges in trade as may be advantageous to them, and at the same time not too restrictive to ourselves. That settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws under which they had hitherto lived in the mother country, and to continue their union with her by submitting themselves to the same common sovereign, who was thereby made the central link connecting the several parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought themselves removed from the hand of oppression, to hold undisturbed the rights thus acquired, at the hazard of their lives, and loss of their fortunes. A family of princes was then on the British throne, whose treasonable crimes against their people brought on them afterwards the exertion of those sacred and sovereign rights of punishment reserved in the hands of the people for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustifiable exertion of power over their subjects on that side of the water, it was not to be expected that those here, much less able at that time to oppose the designs of despotism, should be exempted from injury.

Accordingly that country, which had been acquired by the lives, the labours, and the fortunes, of individual adventurers, was by these princes, at several times, parted out and distributed among the favourites and followers of their fortunes, and, by an assumed right of the crown alone, were erected into distinct and independent governments; a measure which it is believed his majesty's prudence and understanding would

prevent him from imitating at this day, as no exercise of such a power, of dividing and dismembering a country, has ever occurred in his majesty's realm of England, though now of very ancient standing; nor could it be justified or acquiesced under there, or in any other part of his majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of his majesty king Charles the first, whom, notwithstanding his late deposition by the commonwealth of England, they continued in the sovereignty of their state; the parliament for the commonwealth took the same in high offence, and assumed upon themselves the power of prohibiting their trade with all other parts of the world, except the island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty, entered into on the 12th day of March, 1651, between the said commonwealth by their commissioners, and the colony of Virginia by their house of burgesses, it was expressly stipulated, by the 8th article of the said treaty, that they should have "free trade as the people of England do enjoy to all places, and with all nations, according to the laws of that commonwealth." But that, upon the restoration of his majesty King Charles the Second, their rights of free commerce fell once more a victim to arbitrary power; and by several acts of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as shew what hopes they might form from the justice of a British parliament, were its uncontrouled power admitted over these states. History has informed us that bodies of men, as well as individuals, are susceptible of the spirit of tyranny. A view of these acts of parliament for regulation, as it has been affectedly called, of the American trade, if all other evidence were removed out of the case, would undeniably evince the truth of this observation. Besides the duties they impose on our articles of export and import, they prohibit our going to any markets northward of Cape Finesterre, in the kingdom of Spain, *for the sale of commodities which Great Britain will not take*

from us, and for the purchase of others, with which she cannot supply us, and that for no other than the arbitrary purposes of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who in confidence that their exclusive trade with America will be continued, while the principles and power of the British parliament be the same, have indulged themselves in every exorbitance which their avarice could dictate, or our necessities extort; have raised their commodities, called for in America, to the double and treble of what they sold for before such exclusive privileges were given them, and of what better commodities of the same kind would cost us elsewhere, and at the same time give us much less for what we carry thither, than might be had at more convenient ports. That these acts prohibit us from carrying in quest of other purchasers the surplus of our tobaccos remaining after the consumption of Great Britain is supplied; so that we must leave them with the British merchant for whatever he will please to allow us, to be by him reshipped to foreign markets, where he will reap the benefits of making sale of them for full value. That to heighten still the idea of parliamentary justice, and to shew with what moderation they are like to exercise power, where themselves are to feel no part of its weight, we take leave to mention to his majesty certain other acts of British parliament, by which they would prohibit us from manufacturing for our own use the articles we raise on our own lands with our own labour. By an act passed, in the 5th year of the reign of his late majesty king George the second, an American subject is forbidden to make a hat for himself of the fur which he has taken perhaps on his own soil; an instance of despotism to which no parallel can be produced in the most arbitrary ages of British history. By one other act, passed in the 23d year of the same reign, the iron which we make we are forbidden to manufacture, and heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting not men, but machines, in the island of Great Britain. In the same spirit of equal and impartial legislation is to be viewed the act of parliament, passed in the 5th year of the same reign, by which American

lands are made subject to the demands of British creditors, while their own lands were still continued unanswerable for their debts; from which one of these conclusions must necessarily follow, either that justice is not the same in America as in Britain, or else that the British parliament pay less regard to it here than there. But that we do not point out to his majesty the injustice of these acts, with intent to rest on that principle the cause of their nullity; but to shew that experience confirms the propriety of those political principles which exempt us from the jurisdiction of the British parliament. The true ground on which we declare these acts void is, that the British parliament has no right to exercise authority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested, but they have also intermeddled with the regulation of the internal affairs of the colonies. The act of the 9th of Anne for establishing a post-office in America seems to have had little connection with British convenience, except that of accommodating his majesty's ministers and favourites with the sale of a lucrative and easy office.

That thus have we hastened through the reigns which preceded his majesty's during which the violations of our right were less alarming, because repeated at more distant intervals than that rapid and bold succession of injuries which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of parliamentary thunder has involved us, before another more heavy, and more alarming, is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate and systematical plan of reducing us to slavery.

That the act passed in the 4th year of his majesty's reign, intitled "An act for granting certain duties in the British colonies and plantations in America, &c."

One other act, passed in the 5th year of his reign, intitled "An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c."

One other act, passed in the 6th year of his reign, intituled, "An act for the better securing the independency of his majesty's dominions in America upon the crown and parliament of Great Britain;" and one other act, passed in the 7th year of his reign, intituled, "An act for granting duties on paper, tea, &c." form that connected chain of parliamentary usurpation, which has already been the subject of frequent applications to his majesty, and the houses of lords and commons of Great Britain; and no answers having yet been condescended to any of these, we shall not trouble his majesty with a repetition of the matters they contained.

But that one other act, passed in the same 7th year of the reign having been a peculiar attempt, must ever require peculiar mention; it is intituled "An act for suspending the legislature of New-York." One free and independent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common sense, but the common feelings of human nature, must be surrendered up before his majesty's subjects here can be persuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no power of punishment or removal; let their crimes against the American public be ever so great? Can any one reason be assigned why 160,000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of one hundred and sixty thousand tyrants, distinguished too from all others by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That by "an act to discontinue in such manner and for

such time as are therein mentioned the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America," which was passed at the last session of British parliament; a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while suppose the question of right suspended, in order to examine this act on principles of justice: An act of parliament had been passed imposing duties on teas, to be paid in America, against which act the Americans had protested as inauthoritative. The East India company, who till that time had never sent a pound of tea to America on their own account, step forth on that occasion the assertors of parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New England alone the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known and were amenable to the laws of the land, against which it could not be objected that they had ever, in any instance, been obstructed or diverted from their regular course in favour of popular offenders. They should therefore not have been distrusted on this occasion. But that ill-fated colony had formerly been bold in their enmities against the house of Stuart, and were now devoted to ruin by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependents, whose constant office it has been to keep that *government* embroiled, and who, by their treacheries, hope to *obtain the dignity of the British knighthood*, without calling

for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that ancient and wealthy town is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested in that place the wealth their honest endeavours had merited, found themselves and their families thrown at once on the world for subsistence by its charities. Not the hundredth part of the inhabitants of that town had been concerned in the act complained of; many of them were in Great Britain and in other parts beyond sea; yet all were involved in one indiscriminate ruin, by a new executive power, unheard of till then, that of a British parliament. A property, of a value of many millions of money, sacrificed in revenge, [could] not repay the loss of a few thousands. This is administering justice with a heavy hand indeed! and when is this tempest to be arrested in its course? Two wharfs are to be opened again when his majesty shall think proper. The residue which lined the extensive shores of the bay of Boston are for ever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose than that of setting a precedent for investing his majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense to pretend that this exception was made in order to restore its commerce to that great town. The trade which cannot be received at two wharfs alone must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharfs. Considered in this light, it would be an insolent and cruel mockery at the annihilation of the town of Boston.

By the act for the suppression of riots and tumults in the town of Boston, passed also in the last session of parliament, a murder committed there is, if the governor pleases, to be tried in the court of King's Bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the



amount of their recognizance, and that amount may be whatever a governor pleases; for who does his majesty think can be prevailed on to cross the Atlantic for the sole purpose of bearing evidence to a fact? His expences are to be borne, indeed, as they shall be estimated by a governor; but who are to feed the wife and children whom he leaves behind, and who have no other subsistence but his daily labour? Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be estimated among the articles of expence, and their danger to be warded off by the almighty power of parliament? And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! A clause for a similar purpose had been introduced into an act passed in the 12th year of his majesty's reign, intitled, "An act for the better securing and preserving his majesty's dockyards, magazines, ships, ammunition, and stores;" against which, as meriting the same censures, the several colonies have already protested.

That these are the acts of power, assumed by a body of men, foreign to our constitutions, and unacknowledged by our laws, against which we do, on behalf of the inhabitants of British America, enter this our solemn and determined protest; and we do earnestly entreat his majesty, as yet the only mediatory power between the several states of the British empire, to recommend to his parliament of Great Britain the total revocation of these acts, which, however nugatory they be, may yet prove the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his majesty, as holding the executive powers of the laws of these states, and mark out his deviations from the line of duty: *By the constitution* of Great Britain, as well as of the several *American states*, his majesty possesses the power of refusing

to pass into a law any bill which has already passed the other two branches of legislature. His majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two houses of parliament, while their proceedings were unbiassed by interested principles, for several ages past have modestly declined the exercise of this power in that part of his empire called Great Britain. But by change of circumstances, other principles than those of justice simply have obtained an influence on their determinations; the addition of new states to the British empire has produced an addition of new, and sometimes opposite interests. It is now, therefore, the great office of his majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power which we have seen his majesty practice on the laws of the American legislatures. For the most trifling reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative: thus preferring the immediate advantages of a few African corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, tho' in the opposite scale were placed the interests of a whole country. That this is so shameful an abuse of a power trusted with his majesty for other purposes, as if not reformed, would call for some legal restrictions.

With equal inattention to the necessities of his people here, has his majesty permitted our laws to lie neglected in England for years, neither confirming them by his assent, nor annulling them by his negative; so that such of them as have no

suspending clause, we hold on the most precarious of all tenures, his majesty's will; and such of them as suspend themselves till his majesty's assent be obtained, we have feared, might be called into existence at some future and distant period, when time and change of circumstances, shall have rendered them destructive to his people here. And to render this grievance still more oppressive, his majesty, by his instructions, has laid his governors under such restrictions, that they can pass no law, of any moment, unless it have such suspending clause; so that, however immediate may be the call for legislative interposition, the law can not be executed till it has twice crossed the Atlantic, by which time, the evil may have spent its whole force.

✓ But in what terms, reconcileable to majesty, and at the same time to truth, shall we speak of a late instruction to his majesty's governor of the colony of Virginia, by which he is forbidden to assent to any law for the division of a county, unless the new county will consent to have no representative in assembly? That colony has, as yet, fixed no boundary to the westward. Their western counties, therefore, are of indefinite extent; some of them are actually seated many hundred miles from their eastern limits. Is it possible, then, that his majesty can have bestowed a single thought on the situation of those people, who, in order to obtain justice for injuries, however great or small, must, by the laws of that colony, attend their county court at such a distance, with all their witnesses, monthly, till their litigation be determined; or, does his majesty seriously wish and publish it to the world, that his subjects should give up the glorious right of representation, with all the benefits derived from that, and submit themselves the absolute slaves of his sovereign will? or, is it rather meant to confine the legislative body to their present numbers, that they may be the cheaper bargain whenever they shall become worth a purchase?

One of the articles of impeachment against Tresilian, and the other judges of Westminster-hall, in the reign of Richard the second, for which they suffered death, as traitors to their country, was, that they had advised the king that he might *dissolve his parliament at any time; and succeeding kings have adopted the opinion of these unjust judges.* Since the

establishment, however, of the British constitution, at the glorious revolution, on its free and antient principles, neither his majesty, nor his ancestors have exercised such a power of dissolution in the island of Great Britain; and when his majesty was petitioned, by the united voice of his people there, to dissolve the present parliament, who had become obnoxious to them, his ministers were heard to declare, in open parliament, that his majesty possessed no such power by the constitution. But how different their language and his practice here! To declare, as their duty required, the known rights of their country, to oppose the usurpations of every foreign judicature, to disregard the imperious mandates of a minister or governor, have been the avowed causes of dissolving houses of representatives in America. But if such powers be really vested in his majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the confidence of their constituents; when they have notoriously made sale of their most valuable rights; when they have assumed to themselves powers which the people never put into their hands, then, indeed, their continuing in office becomes dangerous to the state, and calls for an exercise of the power of dissolution. Such being the causes for which the representative body should, and should not, be dissolved, will it not appear strange to an unbiassed observer, that that of Great Britain was not dissolved, while those of the colonies have repeatedly incurred that sentence?

✓ But your majesty, or your governors, have carried this power beyond every limit known, or provided for, by the laws: after dissolving one house of representatives, they have refused to call another, so that, for a great length of time, the legislature provided by the laws has been out of existence. From the nature of things, every society must at all times possess within itself the sovereign powers of legislation. The feelings of human nature revolt against the supposition of a state so situated, as that it may not, in any emergency, provide against dangers, which, perhaps, threaten immediate ruin. While those bodies are in existence, to whom the people have delegated the powers of legislation, they alone possess, and may exercise those powers; but when they are dissolved, by the *lopping off* one or more of their branches, the power re-

verts to the people, who may exercise it to unlimited extent, either assembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace consequences further; the dangers are conspicuous with which this practice is replete.\*

That we shall, at this time also, take notice of an error in the nature of our land holdings, which crept in at a very early period of our settlement. The introduction of the feudal tenures into the kingdom of England, tho' antient, is well enough understood to set this matter in a proper light. In the earlier ages of the Saxon settlement, feudal holdings were certainly altogether unknown; and very few, if any, had been introduced at the time of the Norman conquest. Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disencumbered with any superior, answering nearly to the nature of those possessions which the feudalists term allodial. William, the Norman, first introduced that system generally. The lands, which had belonged to those who fell in the battle of Hastings, and in the subsequent insurrections of his reign, formed a considerable portion of the lands of the whole kingdom. These he granted out, subject to feudal duties, as did he also those of a great number of his new subjects, who, by persuasions, or threats, were induced to surrender them for that purpose. But still much was left in the hands of his Saxon subjects; held of no superior, and not subject to feudal conditions. These, therefore, by express laws, enacted to render uniform the system of military defence, were made liable to the same military duties as if they had been feuds; and the Norman lawyers soon found means to saddle them also with all the other feudal burthens. But still they had not been surrendered to the king; they were not derived from his grant, and therefore they were not holden to him. A general principle, indeed, was introduced, that "all lands in England, were held either

\* Jefferson, in his annotated copy, inserted at this point the following sentence (see Ford's "Jefferson," I., 443, note):

"And the frame of government thus dissolved, should the people take upon them to lay the throne of your majesty prostrate, or to discontinue *their connection with the British Empire*, none will be so bold, as to *decide against the right or the efficacy of such avulsion.*"

mediately, or immediately of the crown;" but this was borrowed from those holdings, which were truly feudal, and only applied to others for the purposes of illustration. Feudal holdings were, therefore, but exceptions out of the Saxon laws of possession, under which all lands were held in absolute right. These, therefore, still form the basis or ground-work of the common law, to prevail wheresoever the exceptions have not taken place. America was not conquered by William the Norman, nor its lands surrendered to him, or any of his successors. Possessions there, are undoubtedly of the allodial nature. Our ancestors, however, who migrated hither, were farmers, not lawyers. The fictitious principle, that all lands belong originally to the king, they were early persuaded to believe real; and accordingly took grants of their own lands from the crown. And while the crown continued to grant for small sums, and on reasonable rents, there was no inducement to arrest the error, and lay it open to public view. But his majesty has lately taken on him to advance the terms of purchase, and of holding to the double of what they were; by which means, the acquisition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before his majesty, and to declare that he has no right to grant lands of himself. From the nature and purpose of civil institutions, all the lands within the limits, which any particular society has circumscribed around itself, are assumed by that society, and subject to their allotment only. This may be done by themselves, assembled collectively, or by their legislature, to whom they may have delegated sovereign authority; and, if they are allotted in neither of these ways, each individual of the society may appropriate to himself such lands as he finds vacant, and occupancy will give him title.

That, in order to enforce the arbitrary measures before complained of, his majesty has, from time to time, sent among us large bodies of armed forces, not made up of the people here, nor raised by the authority of our laws. Did his majesty possess such a right as this, it might swallow up all our other rights whenever he should think proper. But his majesty has no right to land a single armed man on our shores, and those whom he sends here are liable to our laws made for the sup-

pression and punishment of riots, routs, and unlawful assemblies; or, are hostile bodies invading us in defiance of law. When, in the course of the late war, it became expedient that a body of Hanoverian troops should be brought over for the defence of Great Britain, his majesty's grandfather, our late sovereign, did not pretend to introduce them under any authority he possessed. Such a measure would have given just alarm to his subjects in Great Britain, whose liberties would not be safe, if armed men of another country, and of another spirit, might be brought into the realm at any time, without the consent of their legislature. He therefore applied to parliament, who passed an act for that purpose, limiting the number to be brought in, and the time they were to continue. In like manner is his majesty restrained in every part of the empire. He possesses, indeed, the executive power of the laws in every state; but they are the laws of the particular state, which he is to administer within that state, and not those of any one within the limits of another. Every state must judge for itself, the number of armed men which they may safely trust among them, of whom they are to consist, and under what restrictions they shall be laid.

✓ To render these proceedings still more criminal against our laws, instead of subjecting the military to the civil powers, his majesty has expressly made the civil subordinate to the military. But, can his majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force, but let him remember, that force cannot give right.

That these are our grievances, which we have thus laid before his majesty, with that freedom of language and sentiment which becomes a free people claiming their rights, as derived from the laws of nature, and not as the gift of their chief magistrate: let those flatter who fear; it is not an American art. To give praise which is not due, might be well from the venal, but would ill beseem those who are asserting the rights of human nature. They know, and will therefore say, that kings are the servants, not the proprietors of the people. Open your breast, Sire, to liberal and expanding thought. Let not the name of George the Third be a blot in the page of history. You are surrounded by British

counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them, requires not the aid of many counsellors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all equal and impartial right. Let no act be passed by any one legislature, which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. This, Sire, is the advice of your great American council, on the observance of which, may, perhaps, depend your felicity and future fame, and the preservation of that harmony, which alone can continue both to Great Britain and America, the reciprocal advantages of their connection. It is neither our wish, nor our interest to separate from her. We are willing, on our part, to sacrifice every thing which reason can ask, to the restoration of that tranquility for which all must wish. On their part, let them be ready to establish union and a generous plan. Let them name their terms, but let them be just. Accepted of every commercial preference it is in our power to give for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use, or to supply those wants which they cannot supply. Still less, let it be proposed that our properties within our own territories, shall be taxed or regulated by any power on earth but our own. The God who gave us life, gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them. This, Sire, is our last, our determined resolution; and that you will be pleased to interpose with that efficacy which your earnest endeavours may ensure to procure redress of these our great grievances, to quiet the minds of your subjects in British America, against any apprehensions



of future encroachment, to establish fraternal love and harmony through the whole empire, and that these may continue to the latest ages of time, is the fervent prayer of all British America!

FINIS.

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A DECLARATION BY THE REPRESENTATIVES  
OF THE UNITED STATES OF AMERICA,  
IN GENERAL CONGRESS ASSEMBLED.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

¶ We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creator with inherent and inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, begun at a distinguished period and pursuing invariably the same object, evinces a design to reduce them under absolute despot-

ism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to expunge their former systems of government. The history of the present king of Great Britain is a history of unremitting injuries and usurpations, among which appears no solitary fact to contradict the uniform tenor of the rest, but all have in direct object the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world for the truth of which we pledge a faith yet unsullied by falsehood.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accomodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative houses repeatedly and continually for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the meantime exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has suffered the administration of justice totally to cease in some of these states refusing his assent to laws for establishing judiciary powers.

✓ He has made our judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

- He has erected a multitude of new offices by a self-assumed power, and sent hither swarms of new officers to harass our people and eat out their substance.

He has kept among us in times of peace standing armies and ships of war without the consent of our legislatures.

✓ He has affected to render the military independent of, and superior to the civil power.

13 He has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their acts of pretended legislation for  
14 quartering large bodies of armed troops among us; for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing there an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these states; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, and declaring them invested with power to legislate for us in all cases whatsoever.

He has abdicated government here withdrawing his governors, and declaring us out of his allegiance and protection. ✓

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy *unworthy of the head of a civilized nation.*

He has constrained our fellow citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence.

He has incited treasonable insurrection of our fellow citizens, with the allurements of forfeiture and confiscation of our property.

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN King of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the LIBERTIES of one people, with crimes which he urges them to commit against the LIVES of another.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries.

A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a people who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad and so undisguised for tyranny over a people fostered and fixed in principles of freedom.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of ex-

tempts by their legislature to extend a jurisdiction over these our states. We have reminded them of the circumstances of our emigration and settlement here, no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them; but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and we appealed to their native justice and magnanimity as well as to the ties of our common kindred to disavow these usurpations which were likely to interrupt our connection and correspondence. They too have been deaf to the voice of justice and of consanguinity, and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom, it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too. We will tread it apart from them, and acquiesce in the necessity which denounces our eternal separation!

We therefore the representatives of the United States of America in General Congress assembled, do in the name, and by authority of the good people of these states reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through or under them; we utterly dissolve all political connection which may heretofore have subsisted between us and the *people or parliament* of Great Britain: and finally we do assert

and declare these colonies to be free and independent states, and that as free and independant states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independant states may of right do.

And for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

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The following extract is interesting as showing the influence of the "Proposed Instructions" on contemporary opinion:

Thomas Jefferson, who was one of the elected, was prevented by indisposition from attending. But he forwarded by express, for the consideration of its members, a series of resolutions. I distinctly recollect the applause bestowed on the most of them, when they were read to a large company at the house of Peyton Randolph, to whom they were addressed. Of all the approbation was not equal. From the celebrated letters of the Pennsylvanian Farmer (John Dickinson) we had been instructed to bow to the external taxation of parliament, as resulting from our migration, and a necessary dependence on the mother country. But this composition of Mr. Jefferson shook this conceded principle, although it had been confirmed by a still more celebrated pamphlet of Daniel Dulaney of Maryland, and cited by Lord Chatham as a text-book of American rights. The young ascended with Mr. Jefferson to the source of those rights, the old required time for consideration before they could tread this lofty ground, which, if it had not been abandoned, at least had not been fully occupied throughout America. From what cause it happened that the resolutions were not printed by order of the Convention does not appear; but as they were not adopted, several of the author's admirers subscribed for their publication. When the time of writing is remembered, a range of inquiry not then very frequent, and marching far beyond the politics of the day, will surely be allowed them.—[Edmund Randolph in *M.S. History of Virginia*, quoted in Ford's "Jefferson," vol. I., p. 422, and reprinted here by permission of G. P. Putnam & Sons.]

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COLONIAL AND CONSTITUTIONAL.

EDITED BY

ALBERT BUSHNELL HART AND EDWARD CHANNING,  
OF HARVARD UNIVERSITY.

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NO 12.

NOVEMBER, 1893.

ORDINANCES OF SECESSION  
AND OTHER DOCUMENTS.  
1860-1861.

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*Published Bi-Monthly. Annual Subscription, 30 cents.*

Entered at the New York Postoffice as second-class matter.

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No. 12.

NOVEMBER, 1893.

PRICE, 5 CENTS.

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## ORDINANCES OF SECESSION

AND

**OTHER DOCUMENTS.**

**1860-1861.**

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South Carolina, as is well-known, led the way out of the Union on Dec. 20, 1860, her Convention on that date adopting unanimously the Ordinance of Secession. The State, through her Legislature, had formally declared the right to secede as early as 1831, but had refrained, on grounds of expediency, from exercising it. Similar formal declarations were made from time to time as circumstances gave occasion, and in 1852 a desperate effort was made to force the State out of the Union. But the party which advocated "co-operative Secession" offered effective resistance. The leaders of the State had been since 1832, endeavoring to secure concerted action with the other Southern States, not primarily for secession, but for secession, if necessary. The election of Lincoln decided those who had wavered in 1852, and the State seceded. Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas in close succession followed her lead. With these, however, voluntary secession, as the late Prof. Alexander Johnson pointed out, seemed to exhaust itself, and it was not until steps looking towards coercion had been

taken that the other States acted. Arkansas held back till May 6, and North Carolina till May 20. Virginia's Ordinance was not ratified till May 23, and Tennessee's was not voted on till June 8. The ordinances emanated from Conventions in all the States except the last named. An attempt had been made to call a Convention in Tennessee, but the proposition to that effect submitted by the Legislature had been voted down in Feb., 1861, by a majority of 11,875. Soon afterwards coercive measures against the seceded States were inaugurated, and the Legislature was summoned. On May 7, it ratified a league which the Governor had concluded with the Confederacy, and then proceeded to draw up an Ordinance of Secession—this was submitted to the people and was ratified on June 8, by a majority of 57,675. In two other States, Virginia and Texas, the Ordinances were submitted to the people for ratification. In Texas there had been some irregularity in the call of the Convention, and therefore the approval of the people was desired. The Ordinance, adopted Feb. 1, was ratified Feb. 23. The Virginia Ordinance, adopted April 17, was ratified May 23.

On the 15th of April President Lincoln announced that the execution of the laws of the Union had been obstructed in South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, "by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals by law," and he called forth the Militia of the several States to the number of 75,000. On Aug. 16, seeing that the insurgents had not dispersed in the above named States and that the inhabitants of Virginia, Arkansas, North Carolina and Tennessee had joined them, he issued the Proclamation incorporated in this number.

Copies of the Ordinances may be found in the *Rebellion Record*, 1861; in the *American Annual Cyclopaedia*, 1861, and in *Echoes from the South*. For accounts of the Secession movement, and for references, see McPherson's *History of the Great Rebellion* and Lalor's *Cyclopaedia of Political Science*, III., 693-702.

For discussions of the nature of the union, the reader may consult Story on *the Constitution*, Fourth Edition, I., 214-293; especially the notes to pages 215-216, 247-248, 257-258, 282-286, 289-293. See also Von Holst's *Constitutional Law*, pp. 2-66, especially pp. 36-47; Jefferson Davis's *Rise and Fall of the Confederate Government*, I., 94-198; Woodrow Wilson's *Division and Reunion*, § § 24, 103; P. C. Centz, *Republic of Republics*, pp. 3-7, 23-26, 41-49, 59-69, 196-211, 362-365, 382-387; J. C. Hurd, *Theory of National Existence*; Webster and Hayne in Johnston's *American Orations*, I., pp. 213-282.

D. F. H.

1860, Dec. 20. SOUTH CAROLINA'S ORDINANCE OF SECESSION.

### AN ORDINANCE.

TO DISSOLVE THE UNION BETWEEN THE STATE OF SOUTH CAROLINA AND OTHER STATES UNITED WITH HER UNDER THE COMPACT ENTITLED "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

*We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained.*

That the Ordinance adopted by us in Convention, on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also, all Acts and parts of Acts of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.—*Pamphlet, printed by order of the Convention, 1860, p. 11.*

1860, Dec. 24. SOUTH CAROLINA'S DECLARATION OF CAUSES WHICH INDUCED HER SECESSION FROM THE FEDERAL UNION.

*Declaration of the immediate causes which induce and justify the secession of South Carolina from the Federal Union.*

The People of the State of South Carolina, in Convention assembled, on the 26th day of April, A. D., 1852, declared that the frequent violations of the Constitution of the United States, by the Federal Government, and its encroachments upon the reserved rights of the States, fully justified this State in then withdrawing from the Federal Union; but in deference to the opinions and wishes of the other slaveholding States, she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And now the State of South Carolina having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to

nations of the world, that she should declare the immediate causes which have led to this act.

In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the 4th July, 1776, in a Declaration, by the Colonies, "that they are, and of right ought to be, FREE AND INDEPENDENT STATES; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government." Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty; adopted for itself a Constitution, and appointed officers for the administration of government in all its departments—Legislative, Executive and Judicial. For purposes of defence, they united their arms and their counsels; and, in 1778, they entered into a League known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first article, "that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States in Congress assembled.

Under this Confederation the War of the Revolution was carried on, and on the 3d September, 1783, the contest ended, and a definitive Treaty was signed by Great Britain, in which she acknowledged the Independence of the Colonies in the following terms:

"Article 1.—His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be FREE, SOVEREIGN AND INDEPENDENT STATES; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof."

Thus were established the two great principles asserted by the Colonies, namely: the right of a State to govern itself; and the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact, that each Colony became and was recognized by the mother Country as a FREE, SOVEREIGN AND INDEPENDENT STATE.

In 1787, Deputies were appointed by the States to revise the Articles of Confederation, and on 17th September, 1787, these Deputies recommended, for the adoption of the States, the Articles of Union, known as the Constitution of the United States.

The parties to whom this Constitution was submitted, were the several sovereign States; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the General Government, as the common agent, was then to be invested with their authority.

If only nine of the thirteen States had concurred, <sup>at the</sup> other four would have remained as they were—<sup>separate</sup> sovereign States, independent of any of the provisions of the Constitution. In fact, two of the States did not accede to the Constitution until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

By this Constitution, certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign States. But, to remove all doubt, an amendment was added, which declared that the power <sup>was</sup> delegated to the United States by the Constitution.

hibited by it to the States, are reserved to the States, respectively, or to the people. On 23d May, 1788, South Carolina, by a Convention of her people, passed an Ordinance assenting to this Constitution, and afterwards altered her own Constitution, to conform herself to the obligations she had undertaken.

Thus was established, by compact between the States, a Government, with defined objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the Government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, that fact is established with certainty. We assert, that fourteen of the States have deliberately refused for years past to fulfil their constitutional obligations, and we refer to their own Statutes for the proof.

The Constitution of the United States, in its 4th Article, provides as follows:

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.”

This stipulation was so material to the compact, that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their estimate of the value of such a stipulation by making it a condition in the Ordinance for the government of the territory ceded by Virginia, which now *composes the States north of the Ohio river.*

*The same article of the Constitution stipulates also for*

rendition by the several States of fugitives from justice from the other States.

The General Government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding States to the Institution of Slavery has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from the service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State of Virginia. Thus the constitutional compact has been deliberately broken and disregarded by the non-slaveholding States, and the consequence follows that South Carolina is released from her obligation.

The ends for which this Constitution was framed are declared by itself to be "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These ends it endeavored to accomplish by a Federal Government, in which each State was recognized as an equal, and had separate control over its  
The right of property in slaves was re  
free persons distinct political rights  
right to represent, and burthens



for three-fifths of their slaves ; by authorizing the importation of slaves for twenty years ; and by stipulating for the rendition of fugitives from labor.

We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding States. ( Those States have assumed the right of deciding upon the propriety of our domestic institutions ; and have denied the rights of property established in fifteen of the States and recognized by the Constitution ; they have denounced as sinful the institution of Slavery ; they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace and to eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes ; and those who remain, have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the Common Government. Observing the *forms* of the Constitution, a sectional party has found within that article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the Common Government, because he has declared that that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that Slavery is in the course of ultimate extinction.

This sectional combination for the subversion of the Constitution, has been aided in some of the States by elevating to citizenship, persons, who, by the Supreme Law of the land, are incapable of becoming citizens ; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its peace and safety.

On the 4th March next, this party will take possession of the Government. It has announced, that the South shall *be excluded from the common Territory* ; that the *Judicial Tribunals shall be made sectional*, and that a war must be

waged against slavery until it shall cease throughout the United States.

The Guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy.

Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief.

We, therefore, the people of South Carolina, by our delegates, in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.—*Pamphlet, printed by order of the Convention, 1860, pp. 3-10.*

1861, Jan. 9.. MISSISSIPPI'S ORDINANCE OF SECESSION.

AN ORDINANCE TO DISSOLVE THE UNION BETWEEN THE STATE OF MISSISSIPPI AND OTHER STATES UNITED WITH HER UNDER THE COMPACT, ENTITLED, "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

*The people of the State of Mississippi, in convention assembled, do ordain and it is hereby ordained and declared, as follows, to wit:*

SEC. 1. That all the laws and ordinances by which the said State of Mississippi became a member of the Federal Union of the United States of America be, and the same are hereby repealed, and that all obligations on the part of the said State, or the people thereof to observe the same, be withdrawn, and that the said State doth hereby resume all the rights, functions, and powers which by any of said laws or ordinances were conveyed to the Government of the United States, and is absolved from all the obligations

straints, and duties incurred to the said Federal Union, and shall henceforth be a free, sovereign, and independent State.

SEC. 2. That so much of the first section of the seventh article of the Constitution of this State, as requires members of the Legislature and all officers, executive and judicial, to take an oath or affirmation to support the Constitution of the United States be, and the same is hereby abrogated and annulled.

SEC. 3. That all rights acquired and vested under the Constitution of the United States, or under any act of Congress passed or treaty made in pursuance thereof, or under any law of this State, and not incompatible with this Ordinance, shall remain in force, and have the same effect as if this Ordinance had not been passed.

SEC. 4. That the people of the State of Mississippi hereby consent to form a Federal Union with such of the States as may have seceded or as may secede from the Union of the United States of America, upon the basis of the present Constitution of the said United States, except such parts thereof as embrace other portions than such seceding States.

Thus ordained and declared in convention the 9th day of Jan., in the year of our Lord One Thousand Eight Hundred Sixty-one.—*Journal of the Convention*, pp. 119-120.

#### 1861, JAN. 10. FLORIDA'S ORDINANCE OF SECESSION.

*Whereas*, All hope of preserving the Union upon terms consistent with the safety and honor of the slaveholding States, has been fully dissipated by the recent indications of the strength of the anti-slavery sentiment of the free States; therefore,

*Be it enacted by the people of Florida, in convention assembled*, That it is undoubtedly the right of the several States of the Union, at such time and for such cause as in the opinion of the people of such States, acting in their sovereign capacity, may be just and proper, to withdraw from the Union, and, in the opinion of this Convention, the existing causes are such as to compel Florida to proceed to exercise this right.

*We, the people of the State of Florida, in Convention assembled, do solemnly ordain, publish, and declare*, That the

State of Florida hereby withdraws herself from the Confederacy of States existing under the name of the United States of America, and from the existing Government of the said States; and that all political connection between her and the Government of said States ought to be, and the same is hereby totally annulled, and said Union of States dissolved; and the State of Florida is hereby declared a sovereign and independent nation; and that all ordinances heretofore adopted, in so far as they create or recognize said Union, are rescinded; and all laws, or parts of laws, in force in this State, in so far as they recognize or assent to said Union, be and they are hereby repealed.—Appleton's *Annual Cyclopaedia*, 1861, p. 314.

1861, Jan. 11. ALABAMA'S ORDINANCE OF SECESSION.

*An ordinance to dissolve the Union between the State of Alabama and other States united under the compact styled "the Constitution of the United States of America."*

*Whereas* the election of Abraham Lincoln and Hannibal Hamlin to the offices of President and Vice-President of the United States of America, by a sectional party, avowedly hostile to the domestic institutions and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the Constitution of the United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security: Therefore,

*Be it declared and ordained by the people of the State of Alabama in convention assembled*, That the State of Alabama now withdraws, and is hereby withdrawn, from the Union known as "the United States of America," and henceforth ceases to be one of said United States, and is, and of right ought to be, a sovereign and independent State.

SEC. 2. *Be it further declared and ordained by the people of the State of Alabama in convention assembled*, That all the powers over the territory of said State, and over the people thereof, heretofore delegated to the Government of the United States of America be, and they are hereby, withdrawn

from said Government, and are hereby resumed and vested in the people of the State of Alabama.

And as it is the desire and purpose of the State of Alabama to meet the slaveholding States of the South who may approve such purpose, in order to frame a provisional as well as permanent government, upon the principles of the Constitution of the United States.

*Be it resolved by the people of Alabama in convention assembled,* That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri, be, and are hereby, invited to meet the people of the State of Alabama, by their delegates, in convention, on the 4th day of February, A. D. 1861, at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

*And be it further resolved,* That the President of this convention be, and is hereby, instructed to transmit forthwith a copy of the foregoing preamble, ordinance, and resolutions, to the Governors of the several States named in said resolutions.

Done by the people of the State of Alabama in convention assembled, at Montgomery, on this, the 11th day of January, A. D. 1861.—*From one of the original copies printed by order of the Convention, 1861.*

1861, Jan. 19. GEORGIA'S ORDINANCE OF SECESSION.

AN ORDINANCE TO DISSOLVE THE UNION BETWEEN THE STATE OF GEORGIA AND OTHER STATES UNITED WITH HER UNDER THE COMPACT OF GOVERNMENT ENTITLED "THE CONSTITUTION OF THE UNITED STATES."

*We the people of the State of Georgia, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,* That the ordinance adopted by the people of the State of Georgia in Convention on the second day of January, in the year of our Lord seventeen hundred and eighty-eight, whereby the Constitution of the United States of America was assented to, ratified, and adopted, and also all acts and parts of acts of the General Assembly of this State ratifying

and adopting amendments of the said Constitution, are hereby repealed, rescinded, and abrogated; *We do further declare and ordain*, That the Union now subsisting between the State of Georgia and other States, under the name of the "United States of America," is hereby dissolved; and that the State of Georgia is in full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.—*Journal of the Convention, 1861*, pp. 31-32.

1861, Jan. 26. LOUISIANA'S ORDINANCE OF SECESSION.

## THE STATE OF LOUISIANA.

### AN ORDINANCE

*To dissolve the Union between the State of Louisiana and other States united with her, under the compact entitled:*

"THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

WE, the people of the State of Louisiana, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, THAT the Ordinance passed by us in Convention on the 22d day of November, in the year EIGHTEEN HUNDRED & ELEVEN, whereby the Constitution of the United States of America, and the amendments of the said Constitution, were adopted, and all laws and ordinances by which the State of Louisiana became a member of the Federal Union, be and the same are hereby repealed and abrogated; and that the union now subsisting between Louisiana and other States, under the name of "The United States of America" is hereby dissolved.

WE do further declare and ordain, THAT the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of the United States of America; That her citizens are absolved from all allegiance to said Government; and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.

WE do further declare and ordain, THAT all rights acquired and vested under the Constitution of the United States, or any acts of Congress, or treaty, or under any law of this State, and not incompatible with the Ordinance, shall remain in force, and have the same effect as if this Ordinance had not been passed.

Adopted in Convention at Baton Rouge the 26th of January, 1861.—*Copy published by the Clerk of the Senate of Louisiana, by authorization.*

1861, Jan. 26. LOUISIANA'S ORDINANCE OF SECESSION.

## THE STATE OF LOUISIANA.

### ORDONNANCE

*Pour dissoudre l'Union de l'Etat de la Louisiane et des autres Etats faisant partie avec lui de cette Union, en vertu du pacte intitulé :*

“LA CONSTITUTION DES ETATS UNIS D'AMÉRIQUE.”

NOUS, le peuple de l'Etat de la Louisiane, réuni en Convention, déclarons et Ordonnons, et il est, par ces présentes, déclaré et Ordonné, QUE l'ordonnance adoptée par nous en Convention le 22me jour de Novembre, en l'année MIL-HUIT CENT ONZE, par laquelle la Constitution des Etats Unis d'Amérique et les amendements à la dite Constitution furent adoptés; et que toutes les lois et ordonnances en vertu desquelles l'Etat de la Louisiane devint un des membres de l'Union Fédérale, doivent être et sont par les présentes rappelées et abrogées; et que l'union existant actuellement entre la Louisiane et d'autres Etats sous le nom des Etats Unis d'Amérique est par les présentes dissoute.

NOUS déclarons et ordonnons de plus, QUE l'Etat de la Louisiane reprend, par la présente Ordonnance, tous les droits et tous les pouvoirs délégués antécédemment au Gouvernement des Etats Unis d'Amérique; que ses citoyens sont déliés de toute allégeance au dit Gouvernement, et qu'il est dans la pleine possession et dans l'entier exercice de tous les droits de souveraineté qui appartiennent à un Etat Libre et Indépendant.

NOUS déclarons et ordonnons de plus, QUE tous les droits acquis et dévolus sous le régime de la constitution des Etats Unis, ou d'un acte quelconque du Congrès, ou d'un traité, ou en vertu d'une loi quelconque de cet Etat, et qui ne sont pas en conflit avec cette Ordonnance, demeureront en vigueur et auront le même effet que si cette ordonnance n'avait pas été adoptée.

Adopté en Convention à Baton Rouge le 26 Janvier 1861.  
—*Copy published by the Clerk of the Senate of Louisiana, by authorization.*

1861, Feb. 1. TEXAS' ORDINANCE OF SECESSION.

AN ORDINANCE *to dissolve the Union between the State of Texas and the other States under the compact styled "The Constitution of the United States of America."*

SEC. 1. Whereas the Federal Government has failed to accomplish the purposes of the compact of union between these States, in giving protection either to the persons of our people upon an exposed frontier, or to the property of our citizens; and whereas, the action of the Northern States is violative of the compact between the States and the guarantees of the Constitution; and whereas, the recent developments in Federal affairs make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interests and property of the people of Texas and her sister slave-holding States, instead of permitting it to be, as was intended—our shield against outrage and aggression—therefore, "We, the people of the State of Texas, by delegates in the Convention assembled, do declare and ordain that the ordinance adopted by our Convention of delegates on the fourth (4th) day of July, A. D. 1845, and afterwards ratified by us, under which the Republic of Texas was admitted into the Union with other States, and became a party to the compact styled 'The Constitution of the United States of America,' be, and is hereby repealed and annulled."

That all the powers which, by the said compact, were delegated by Texas to the Federal Government are resumed. That Texas is of right absolved from all restraints and obligations incurred by said compact, and is a separate sovereign State, and that her citizens and people are absolved from all allegiance to the United States or the Government thereof.

SEC. 2. The ordinance shall be submitted to the people of Texas for their ratification or rejection, by the qualified voters, on the 23d day of February, 1861; and unless rejected by a majority of the votes cast, shall take effect and be in force on and after the 2d day of March, A. D. 1861. Provided that in the representative district of El Paso said election may be held on 1st day, 1861.



Done by the people of the State of Texas, in convention assembled, at Austin, the 1st day of February, A. D. 1861.—  
*Pamphlet, printed by order of the Convention and the Senate, No. 3.*

1861, April 15. PRESIDENT LINCOLN'S PROCLAMATION,  
CALLING OUT THE MILITIA.

Whereas the laws of the United States have been for some time past, and now are opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law.

Now, therefore, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union to the aggregate number of 75,000, in order to suppress said combinations, and to cause the laws to be duly executed.

The details for this object will be immediately communicated to the State authorities through the War Department.

I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and existence of our national Union, and the perpetuity of popular government, and to redress wrongs already long enough endured.

I deem it proper to say that the first service assigned to the forces hereby called forth, will probably be to repossess the forts, places, and property which have been seized from the Union; and in every event the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of, or interference with property, or any disturbance of peaceful citizens of any part of the country.

And I hereby command the persons composing the combinations aforesaid, to disperse and retire peaceably to their respective abodes, within twenty days from this date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress.

The Senators and Representatives are, therefore, summoned to assemble at their respective chambers at *twelve o'clock, noon*, on Thursday, the 4th day of July

next, then and there to consider and determine such measures as, in their wisdom, the public safety and interest may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this fifteenth day of April, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States the eighty-fifth.

*By the President*

ABRAHAM LINCOLN.

WILLIAM H. SEWARD, Secretary of State.

—*Congressional Globe*, LVI., 1861, p. 2.

1861, April 17. VIRGINIA'S ORDINANCE OF SECESSION.

AN ORDINANCE *to repeal the ratification of the Constitution of the United States of America, by the State of Virginia, and to resume all the rights and powers granted under said Constitution.*

The people of Virginia, in the ratification of the Constitution of the United States of America, adopted by them in Convention, on the 25th day of June, in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under the said Constitution were derived from the people of the United States, and might be resumed whensoever the same should be perverted to the injury and oppression, and the Federal Government having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the Southern slaveholding States ; -

Now, therefore, we, the people of Virginia, do declare and ordain, that the Ordinance adopted by the people of this State in Convention on the twenty-fifth day of June, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and all acts of the General Assembly of this State ratifying or adopting amendments to said Constitution, are hereby repealed and abrogated ; that the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved ; that the State of Virginia is in the full posse

cise of all the rights of sovereignty which belong and appertain to a free and independent State. And they do further declare that said Constitution of the United States of America is no longer binding on any of the citizens of this State.

This Ordinance shall take effect and be an Act of this day, when ratified by a majority of the votes of the people of this State, cast at a poll to be taken thereon, on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted.

Done in Convention in the City of Richmond, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the Commonwealth of Virginia.—Appleton's *Annual Cyclopaedia*, 1861, p. 735.

1861, May 6. ARKANSAS' ORDINANCE OF SECESSION.

AN ORDINANCE *to dissolve the Union now existing between the State of Arkansas and the other States united with her under the compact entitled "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."*

*Whereas*, In addition to the well-founded cause of complaint set forth by this Convention in resolutions adopted on the 11th March, A. D., 1861, against the sectional party now in power at Washington City, headed by Abraham Lincoln, he has, in the face of the resolutions passed by this Convention, pledging the State of Arkansas to resist to the last extremity any attempt on the part of such power to coerce any State that seceded from the old Union, proclaimed to the world that war should be waged against such States, until they should be compelled to submit to their rule, and large forces to accomplish this have by this same power been called out, and are now being marshalled to carry out this inhuman design, and longer to submit to such rule or remain in the old Union of the United States would be disgraceful and ruinous to the State of Arkansas :

Therefore, we, the people of the State of Arkansas, in Convention assembled, do hereby declare and ordain, and it is hereby declared and ordained, that the " ordinance and acceptance of compact," passed and approved by the General Assembly of the State of Arkansas on the 18th day of October, A. D. 1836, whereby it was by said General Assembly ordained that, by virtue of the authority vested in said

General Assembly, by the provisions of the ordinance adopted by the Convention of delegates assembled at Little Rock, for the purpose of forming a Constitution and system of Government for said State, the propositions set forth in "an act supplementary to an act entitled an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes," were freely accepted, ratified, and irrevocably confirmed articles of compact and union between the State of Arkansas and the United States, and all other laws, and every other law and ordinance, whereby the State of Arkansas became a member of the Federal Union, be, and the same are hereby in all respects, and for every purpose herewith consistent, repealed, abrogated, and fully set aside; and the union now subsisting between the State of Arkansas and the other States under the name of the United States of America, is hereby forever dissolved.

And we do further hereby declare and ordain that the State of Arkansas hereby resumes to herself all rights and powers heretofore delegated to the Government of the United States of America—that her citizens are absolved from all allegiance to said Government of the United States, and that she is in full possession and exercise of all the rights and sovereignty which appertain to a free and independent State.

We do further ordain and declare that all rights acquired and vested under the Constitution of the United States of America, or of any act or acts of Congress, or treaty, or under any law of this State, and not incompatible with this ordinance, shall remain in full force and effect, in no wise altered or impaired, and have the same effect as if this ordinance had not been passed.

Adopted and passed in open Convention on the 6th day of May, *Anno Domini* 1861.—*Rebellion Record*, 1860-61, I. 259-'60.

1861, May 7. TENNESSEE'S ORDINANCE OF SECESSION.

*Declaration of Independence and Ordinance dissolving the Federal relations between the State of Tennessee and the United States of America.*

1st. We, the people of the State of Tennessee, in an expression of opinion as to the abstract d<sup>e</sup>

sion, but asserting the right as a free and independent people to alter, reform, or abolish our form of Government in such manner as we think proper, do ordain and declare that all the laws and ordinances by which the State of Tennessee became a member of the Federal Union of the United States of America, are hereby abrogated and annulled, and that all obligations on our part be withdrawn therefrom; and we do hereby resume all the rights, functions, and powers which by any of said laws and ordinances were conveyed to the Government of the United States, and absolve ourselves from all the obligations, restraints, and duties incurred thereto; and do hereby henceforth become a free, sovereign, and independent State.

2d. We furthermore declare and ordain, that Article 10, Sections 1 and 2 of the Constitution of the State of Tennessee, which requires members of the General Assembly, and all officers, civil and military, to take an oath to support the Constitution of the United States, be and the same are hereby abrogated and annulled, and all parts of the Constitution of the State of Tennessee, making citizenship of the United States a qualification for office, and recognizing the Constitution of the United States as the supreme law of this State, are in like manner abrogated and annulled.

3d. We furthermore ordain and declare that all rights acquired and vested under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any law of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed. Appleton's *Annual Cyclopaedia*, 1861, p. 680.

1861, May 20. NORTH CAROLINA'S ORDINANCE OF SECESSION.

AN ORDINANCE DISSOLVING THE UNION BETWEEN THE STATE OF NORTH CAROLINA AND THE OTHER STATES UNITED WITH HER UNDER THE COMPACT OF GOVERNMENT ENTITLED, "THE CONSTITUTION OF THE UNITED STATES."

*We, the people of the State of North Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by the State of North Carolina, in the Convention of 1789, whereby the Constitution of the United States was ratified and adopted, and also all acts and parts of acts of the General*

Assembly, ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded, and abrogated.

*We do therefore, declare and ordain,* That the Union now subsisting between the State of North Carolina and the other States, under the title of the "United States of America," is hereby dissolved, and that the State of North Carolina is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

Done at Raleigh, 20th day of May, in the year of our Lord 1861.—*Journal of the Convention*, p. 13.

1861, Aug. 16. PRESIDENT LINCOLN'S PROCLAMATION,  
DECLARING A BLOCKADE.

*By the President of the United States of America :*

### **A PROCLAMATION.**

Whereas, on the 15th day of April, 1861, the President of the United States, in view of an insurrection against the laws, Constitution, and government of the United States, which had broken out within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, and in pursuance of the provisions of the Act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February 28, 1795, did call forth the militia to suppress said insurrection, and to cause the laws of the Union to be duly executed, and the insurgents have failed to disperse by the time directed by the President; and whereas such insurrection has since broken out and yet exists within the States of Virginia, North Carolina, Tennessee, and Arkansas; and whereas the insurgents in all the said States claim to act under the authority thereof, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combinations exist, nor has any such insurrection been suppressed by said States:

Now, therefore, I, Abraham Lincoln, President of the United States, in pursuance of an Act of Congress approved July 13, 1861, do hereby declare that the inhabitants of the said States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Mississippi and Florida (except the  
of the State of Virginia lying

tains, and of such other parts of that State and the other States hereinbefore named as may maintain a loyal adhesion to the Union and the Constitution, or may be from time to time occupied and controlled by the forces of the United States engaged in the dispersion of said insurgents) are in a state of insurrection against the United States; and that all commercial intercourse between the same and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of the United States, is unlawful, and will remain unlawful until such insurrection shall cease or has been suppressed; that all goods and chattles, wares and merchandise, coming from any of said States with the exception aforesaid, into other parts of the United States, without the special license and permission of the President, through the Secretary of the Treasury, or proceeding to any of said States, with the exceptions aforesaid, by land or water, together with the vessel or vehicle conveying the same or conveying persons to or from said States, with said exceptions, will be forfeited to the United States; and that, from and after fifteen days from the issuing of this proclamation, all ships and vessels belonging in whole or in part to any citizen or inhabitant of any of said States, with said exceptions, found at sea or in any port of the United States, will be forfeited to the United States, and I hereby enjoin upon all district attorneys, marshals, and officers of the revenue and of the military and naval forces of the United States to be vigilant in the execution of said act, and in the enforcement of the penalties and forfeitures imposed or declared by it; leaving any party who may think himself aggrieved thereby to his application to the Secretary of the Treasury for the remission of any penalty or forfeiture, which the said Secretary is authorized by law to grant, if, in his judgment, the special circumstances of any case shall require such remission.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

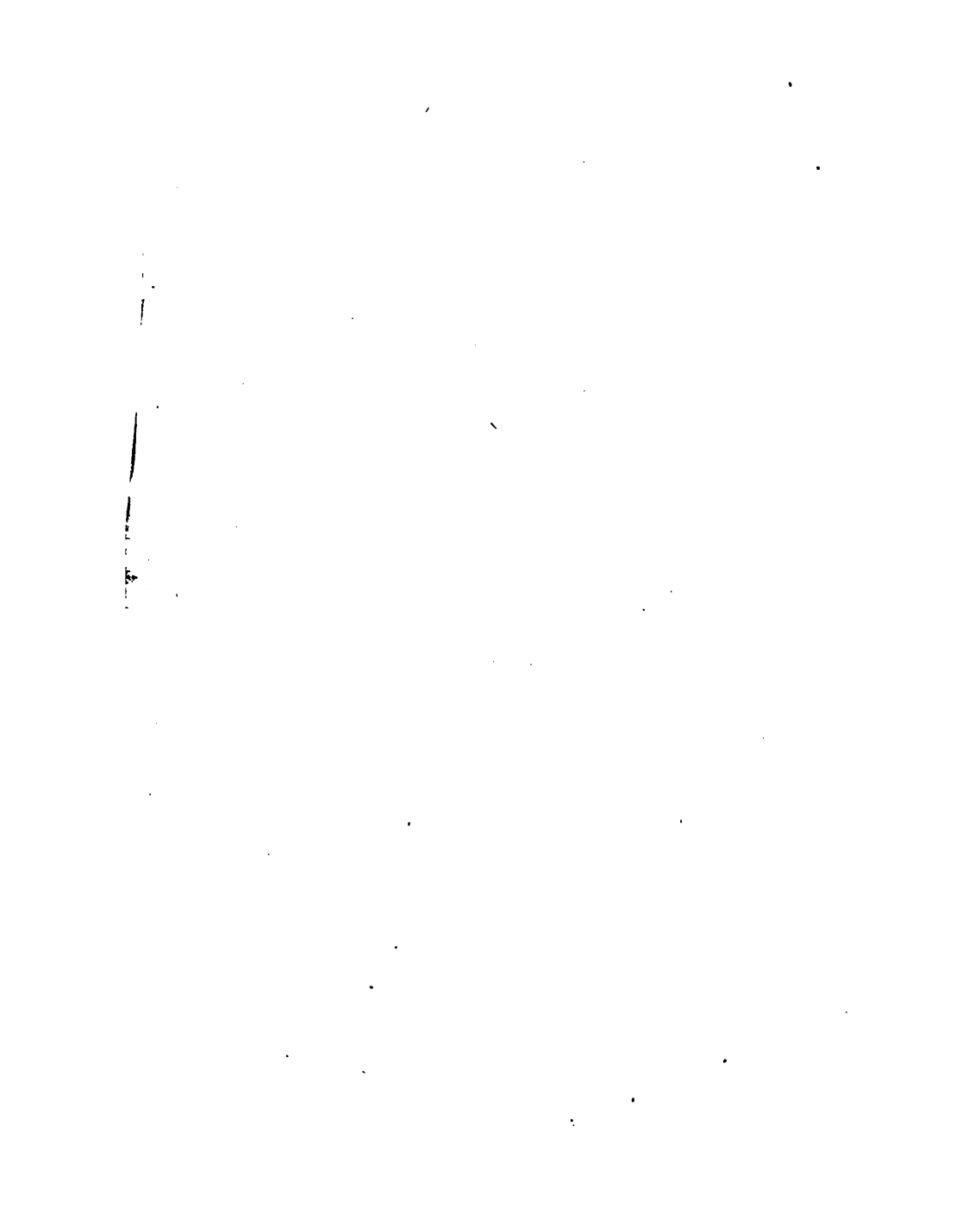
Done at the City of Washington, this 16th day of August, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States of America the eighty-sixth.

ABRAHAM LINCOLN.

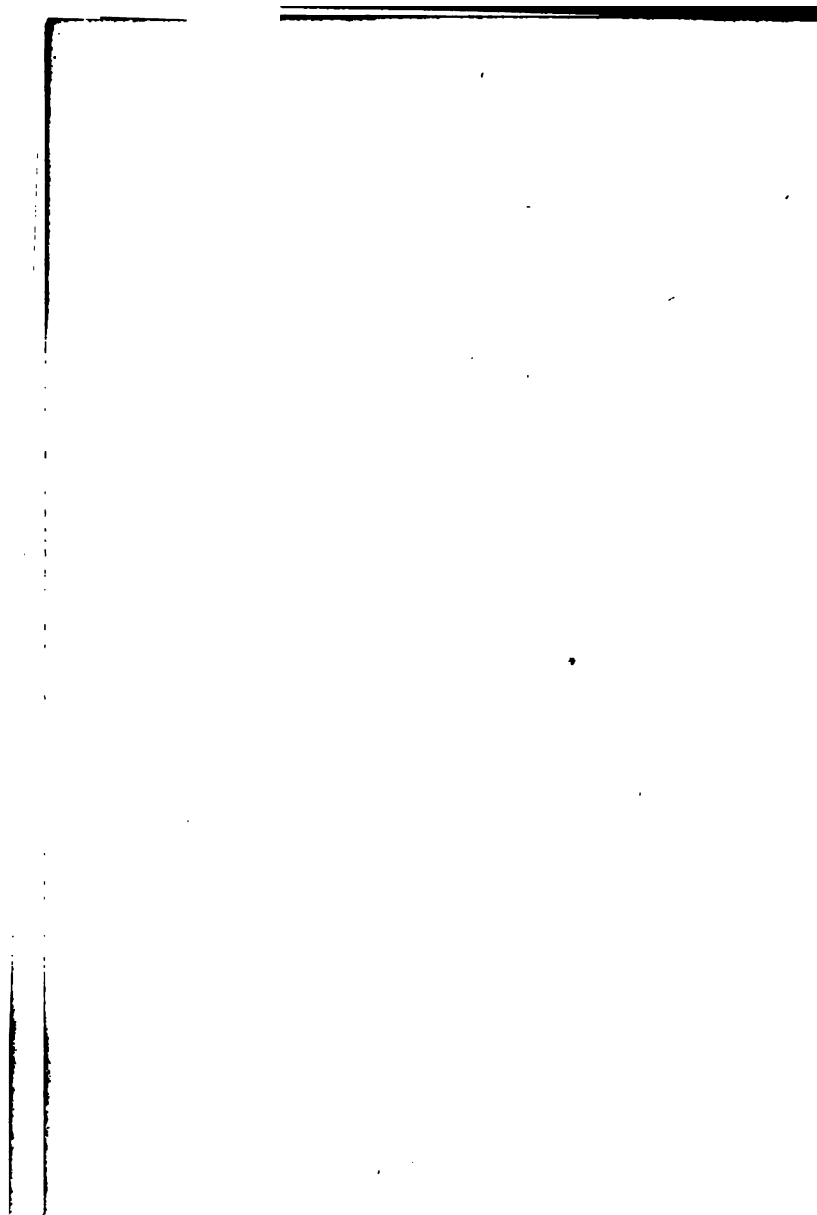
*By the President*

WILLIAM H. SEWARD, Secretary of State.

—*Senate Executive Documents, 1861-62, vol. 4, No. 2, p. 16a.*

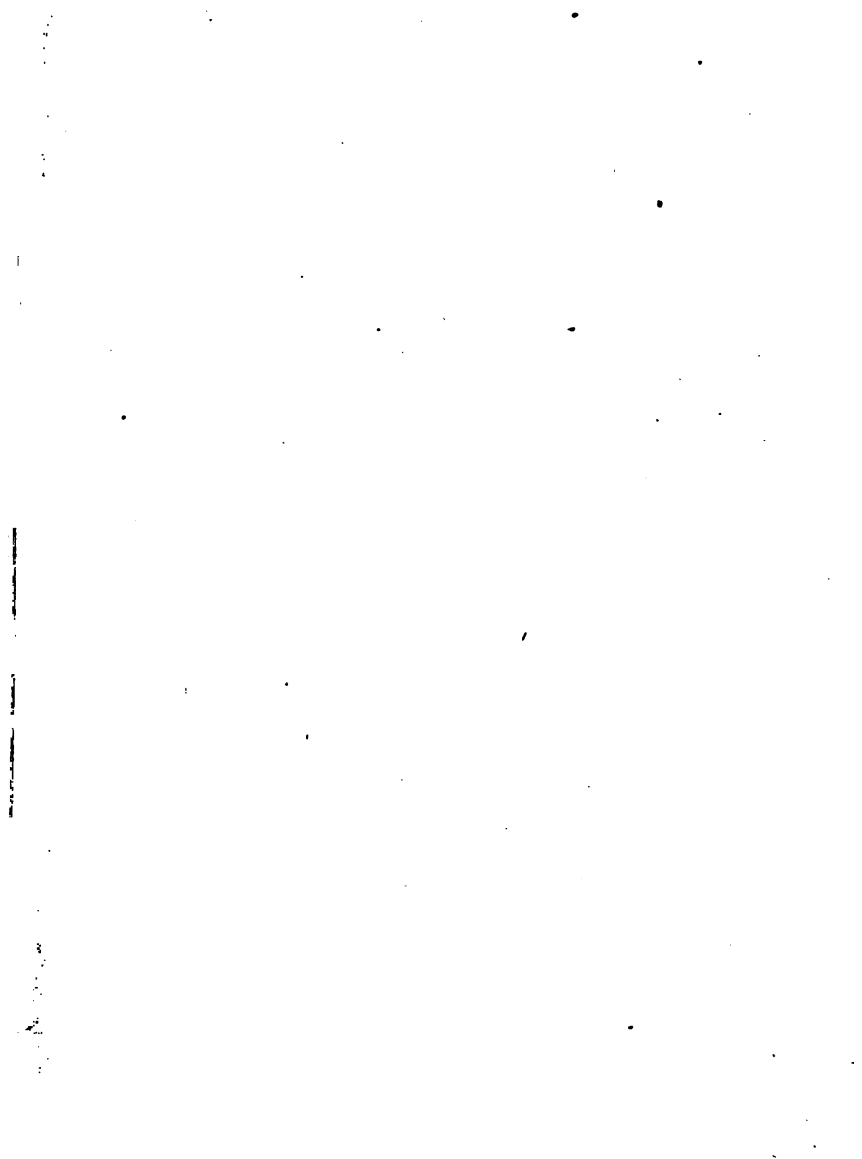


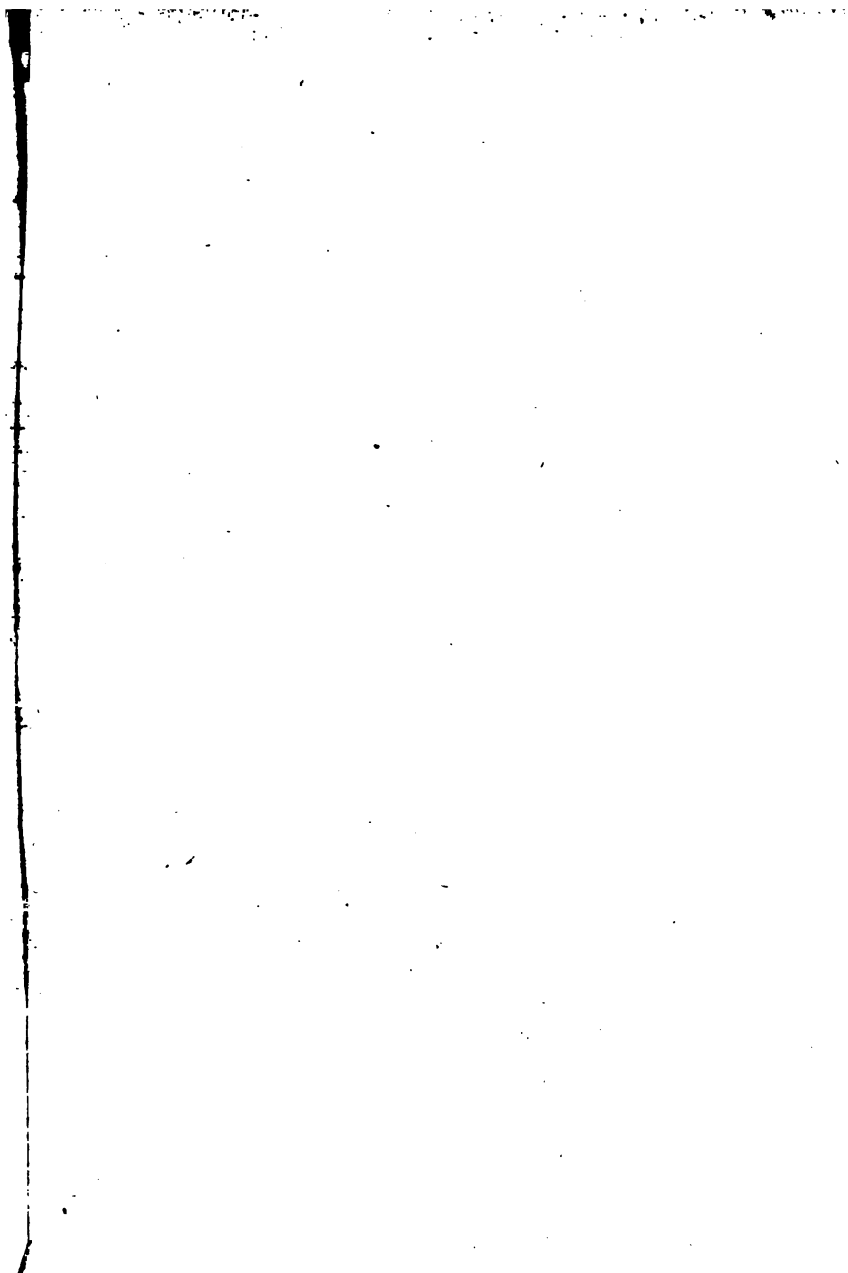




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